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# STATUTES

## OF THE

# PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1986

In which year ended the thirty-fourth and began the thirty-fifth year of the Reign of Her Majesty Queen Elizabeth II

And in which year the Second Session of the Thirty-Third Legislature of Ontario was convened on the 22nd day of April and adjourned on the 18th day of December.

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HIS HONOUR LINCOLN M. ALEXANDER  
LIEUTENANT GOVERNOR

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PART I  
PUBLIC ACTS

Chapters 1 to 73



## CHAPTER 1

### An Act to amend the Retail Sales Tax Act

*Assented to January 6th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (10) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 38, section 1, is amended by inserting after "subsection 16 (8)" in the first line "subsection 16a (3)".

**2.** The said Act is amended by adding thereto the following section:

**2a.**—(1) Where tangible personal property is sold in Ontario and within thirty days of the date of the sale the tangible personal property is taken out of Ontario to be used permanently outside Ontario and the Minister is satisfied that such is the case, the Minister may rebate the tax collected at the time of sale, but no rebate shall be made where the rebate claimed is an amount less than \$7, and no interest shall be paid on the rebate.

Rebate of tax on tangible personal property taken out of Ontario

(2) The Minister may, upon receipt of evidence satisfactory to the Minister, rebate to a person who is not a resident of Ontario the tax paid on the lodging portion of transient accommodation occupied by that person on or after the 16th day of May, 1984, but no interest shall be paid on the rebate.

Rebate of tax on transient accommodation

(3) Where the transient accommodation referred to in subsection (2) has been supplied pursuant to the American plan, modified American plan or other arrangement that combines the provision of lodging and prepared food products at a single price, the Minister may rebate to the person with respect to the provision of the transient accommodation,

Idem

- (a) where one meal has been included in the price of the transient accommodation, 90 per cent of the tax paid;



- (b) where two meals have been included in the price of the transient accommodation, 70 per cent of the tax paid; or
- (c) where three or more meals have been included in the price of the transient accommodation, 60 per cent of the tax paid,

but no interest shall be paid on the rebate.

Application  
for rebate

(4) An application for a rebate under this section shall be made in writing and shall set out such information as the Minister may require to determine the eligibility of the applicant for the rebate claimed.

Time for  
making  
application

(5) No rebate shall be made under this section unless the application therefor is made within three years after the payment of the tax in respect of which the rebate is claimed.

**3.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is repealed and the following substituted therefor:**

1. food products for human consumption except,
  - (a) candies, confections, snack foods and soft drinks, other than soft drinks sold with prepared food products from an eating establishment, as defined by the Minister, at a total price for all soft drinks and prepared food products sold as part of the transaction that does not exceed one dollar, and
  - (b) prepared food products purchased from an eating establishment, as defined by the Minister, the price of which exceeds one dollar.

(2) The said subsection 5 (1), as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1 and 1983, chapter 81, section 1, is further amended by adding thereto the following paragraphs:

29. feminine hygiene products that are tampons, sanitary pads or sanitary belts;
30. child restraint systems described in subsection 6 (2) and clause 6 (3) (a) of Regulation 485 of Revised Regulations of Ontario, 1980.

(3) Paragraph 61a of subsection 5 (1) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is repealed.

4. Section 6 of the said Act is amended by adding thereto the following subsections:

(3) Subsection 2 (1) does not apply to the consumption or use by a person of tangible personal property acquired from the person's spouse or former spouse where the acquisition is the result of the breakdown or dissolution of the marriage of the person and the spouse or former spouse and is in satisfaction of the person's rights under the *Family Law Reform Act*.

Exemption  
on marriage  
breakdown

R.S.O. 1980,  
c. 152

(4) In subsection (3), "spouse" has the meaning given to that expression by clause 14 (b) of the *Family Law Reform Act*.

Definition

5. Section 10 of the said Act is amended by inserting after "sale" in the third line "or at the time of the payment of a price of admission, or at the time of the promotional distribution of an admission".

6. Subsection 16a (3) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the commencement thereof "Subject to being vacated or varied on objection or appeal and subject to reassessment".

7.—(1) Subsection 22 (1) of the said Act is amended by striking out "16 or 17" in the second line and inserting in lieu thereof "16, subsection 16a (1) or section 17".

(2) The said subsection 22 (1) is further amended by striking out "ninety" in the third line and inserting in lieu thereof "180".

8. Subsection 23 (7) of the said Act is repealed and the following substituted therefor:

(7) The time within which a notice of objection or a notice of appeal is to be served may be extended by the Minister if application for extension is made,

Extension  
of time

(a) in respect of a notice of objection under subsection 22 (1),

(i) before the expiration of the time allowed under that subsection for service of notice of the objection, or

(ii) within one year from the day of mailing or delivery by personal service of the notice of assessment or statement of disallowance that is the subject of the objection where the person wishing to make objection furnishes to the Minister an explanation satisfactory to the Minister that explains why the notice of objection could not be served in accordance with subsection 22 (1); or

(b) in respect of a notice of appeal, before the expiration of the time allowed under subsection (1) of this section for the service of the notice of appeal.

**9.** Section 24 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 8, is further amended by inserting after “subsection 16 (8)” in the seventeenth line “subsection 16a (3)”.

**10.** Subsection 29 (4) of the said Act is repealed.

**11.** Subsection 33 (2) of the said Act is amended by inserting after “16” in the fourth line “16a”.

**12.** Section 35 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 13, is further amended by adding thereto the following subsection:

Security  
for tax

(1a) Where the Minister considers it advisable to do so, the Minister may accept security for the payment of taxes in any form that the Minister considers satisfactory.

**13.** Clause 45 (2) (j) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed.

Commence-  
ment

**14.—**(1) This Act, except subsection 7 (2) and section 8, comes into force on the day following the day it receives Royal Assent.

Idem

(2) Subsection 7 (2) and section 8 shall be deemed to have come into force on the 15th day of February, 1984.

Short title

**15.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*.

## CHAPTER 2

### **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

*Assented to January 13th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$2,800,000,000.

Loans up to  
\$2,800,000,000

R.S.O. 1980,  
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act, 1983* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

1983, c. 84

R.S.O. 1980,  
c. 348

**2.** No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1986.

Limitation



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Ontario Loan Act, 1986*.

## CHAPTER 3

### **An Act to amend the Small Business Development Corporations Act**

*Assented to January 13th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause 1 (1) (b) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, is amended by striking out “*Business Corporations Act*” in the second and third lines and inserting in lieu thereof “*Business Corporations Act, 1982*”.

(2) Clause 1 (1) (f) of the said Act is repealed and the following substituted therefor:

- (f) “equity share” means a share of any class or series of shares of a corporation carrying a voting right either under all circumstances or under circumstances that have occurred and are continuing, other than a share of a class or series that must vote separately by reason of a statutory requirement.

(3) Clause 1 (1) (m) of the said Act is amended by inserting after “class” in the first line “or series”.

(4) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 30, section 1, is further amended by adding thereto the following clauses:

- (ha) “Northern and Eastern small business development corporation” means a small business development corporation that may make investments only in small businesses that are primarily located within the geographic boundaries of northern and eastern Ontario as defined in the regulations;

1982, c. 4

- (q) “stated capital” and “stated capital account” have the same meaning as “stated capital” and “stated capital account” in the *Business Corporations Act, 1982*.

**2.—(1) Subsection 3 (1) of the said Act is amended by striking out “*Business Corporations Act*” in the first and second lines and inserting in lieu thereof “*Business Corporations Act, 1982 or any predecessor Act*”.**

**(2) Paragraph 2 of subsection 3 (2) of the said Act is amended by striking out “head office” in the first line and inserting in lieu thereof “registered office”.**

**(3) Paragraphs 3 and 4 of subsection 3 (2) of the said Act are repealed and the following substituted therefor:**

3. The classes and series of shares, the maximum number of shares that the corporation is authorized to issue of each class and series and the aggregate consideration exceeding which all shares of each class and series may not be issued.
4. The amount of the stated capital account of each class and series of shares issued and the amount of equity capital for which the shares were issued.

**(4) Subsection 3 (3) of the said Act is amended by adding at the end thereof “and a true copy of any shareholder agreement relating to the corporation”.**

**(5) Subsection 3 (4) of the said Act is amended by striking out “executed under the seal of the corporation and” in the first and second lines.**

**3. Clause 4 (c) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 35, section 2, and clauses 4 (d) and (e) of the said Act are repealed and the following substituted therefor:**

- (c) the articles of the corporation limit the aggregate consideration which the corporation may receive on the issuance of classes and series of equity shares to not more than,
- (i) \$10,000,000 in the case of a corporation that is offering its equity shares to the public, and
  - (ii) \$5,000,000 in the case of any other corporation;

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
  - (i) providing capital through the acquisition and holding of securities as permitted by this Act,
  - (ii) providing business and managerial expertise to small businesses, or
  - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a);
- (da) in the case of a Northern and Eastern small business development corporation, the corporation has included in its name “(Northern and Eastern)” or provides an undertaking satisfactory to the Minister at the time of registration to file articles of amendment changing its name to include that designation and to provide the Minister with a certified copy of the articles of amendment;
- (e) the total stated capital for classes and series of equity shares issued in consideration for equity capital is at least \$25,000; and

**4. Section 5 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 30, section 2, is further amended by adding thereto the following subsections:**

- (4) Upon the request of a corporation registered under this Act, the Minister may accept the surrender of the registration of the corporation if, Surrender of registration
- (a) the corporation pays to the Minister the amount, if any, required to be paid under section 24; and
  - (b) the corporation files with the Minister the prescribed information and meets such other conditions as may be prescribed.



Corporation  
deemed  
registered as  
Northern and  
Eastern  
development  
corporation

(5) Where a small business development corporation that was registered prior to the 24th day of October, 1985 has,

- (a) made investments only in small businesses primarily located within the geographic boundaries of northern and eastern Ontario as defined in the regulations;
- (b) met the requirements of clause 4 (da); and
- (c) complied fully with the Act, the spirit and intent of the Act and the regulations,

the Minister may, at the corporation's request, deem the corporation to be registered as a Northern and Eastern small business development corporation and amend the register accordingly.

**5.—(1) Subsection 7 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 30, section 3, is repealed and the following substituted therefor:**

Capital  
requirements

(1) By the end of its first year of registration under this Act and at all times thereafter, a small business development corporation shall have equity shares issued and outstanding for equity capital of,

- (a) at least \$50,000 where the small business development corporation is a Northern and Eastern small business development corporation; or
- (b) at least \$100,000 where the small business development corporation is not a Northern and Eastern small business development corporation,

but not exceeding \$10,000,000 where the small business development corporation is offering its equity shares to the public and \$5,000,000 in the case of any other small business development corporation.

**(2) Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 30, section 3, is repealed and the following substituted therefor:**

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (b), each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
  - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
  - (ii) in a new enterprise, if the grant or tax credit was paid or allowed out of the new enterprise incentive fund.

**6.—(1) Subsections 8 (1) and (2) of the said Act are repealed and the following substituted therefor:**

(1) A small business development corporation shall set aside in a trust fund an amount of money, Trust fund

- (a) equal to 30 per cent of all amounts received by it as equity capital where the small business development corporation is a Northern and Eastern small business development corporation; or
- (b) equal to 25 per cent of all amounts received by it as equity capital where the small business development corporation is not a Northern and Eastern small business development corporation,

and such trust fund shall be held by a trustee on behalf of the corporation in trust for the corporation and for the Crown jointly to be dealt with in accordance with this section.

(2) Subject to subsection (3), while any amount is held in trust under subsection (1), the Minister shall permit payment from the fund of an amount equal to, Payment out of trust fund

- (a) .4286 of the purchase price paid by the small business development corporation to acquire an eligible investment where the shares of the small business development corporation were issued and fully paid for prior to the 24th day of October, 1985 or where

the small business development corporation is a Northern and Eastern small business development corporation; or

- (b) .3572 of the purchase price paid by the small business development corporation to acquire an eligible investment where the small business development corporation is not a Northern and Eastern small business development corporation and the shares of the small business development corporation were not issued and fully paid for prior to the 24th day of October, 1985,

provided that the Minister is satisfied that the purchase price of such eligible investment has been paid in full in money or that the amount to be permitted to be paid out by the Minister will be used by the corporation in payment of the purchase price of the eligible investment.

**(2) Subsection 8 (4) of the said Act is amended by striking out "paragraph 4" in the first line and inserting in lieu thereof "paragraph 5".**

**(3) Section 8 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 26, section 2, is further amended by adding thereto the following subsection:**

Calculation  
of trust fund

(7) Notwithstanding subsections (1) and (2), where the Minister has paid a grant pursuant to subsection 21 (8) or allowed a tax credit pursuant to subsection 22 (3), or where an applicant is deemed to have made an investment in equity shares of a small business development corporation pursuant to subsection 21 (9) or 22 (4), a small business development corporation shall set aside an amount of money equal to 30 per cent of all amounts received by it as equity capital prior to the 24th day of October, 1985, and the Minister shall permit payment from the fund in accordance with clause (2) (b).

**7.—(1) Clause 9 (1) (a) of the said Act is repealed and the following substituted therefor:**

- (a) the investment is made in a small business and 75 per cent or more of the wages and salaries are paid by the small business,
  - (i) to employees whose ordinary place of employment is a permanent establishment of the small business located in northern or eastern Ontario where the small business development corporation making the investment is a

Northern and Eastern small business development corporation, and

- (ii) in respect of operations in Ontario where the small business development corporation making the investment is not a Northern and Eastern small business development corporation.

**(2) Subclause 9 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any other business activity that may be prescribed with respect to investment in a business located in northern or eastern Ontario by a Northern and Eastern small business development corporation where the small business development corporation making the investment is a Northern and Eastern small business development corporation, or
- (iv) any other prescribed business activity.

**(3) Subclause 9 (1) (d) (ii) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 4, is further amended by striking out "principal objects of the small business" in the second and third lines and inserting in lieu thereof "prescribed manufacturing and processing, prescribed tourist activities, business activities prescribed with respect to investment in a business located in northern or eastern Ontario by a Northern and Eastern small business development corporation or other prescribed business activity or activities in which the small business is primarily engaged".**

**(4) Subclause 9 (1) (d) (v) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 30, section 4, is repealed and the following substituted therefor:**

- (v) any prescribed purpose or use.

**(5) Subsection 9 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 4 and 1984, chapter 30, section 4, is further amended by adding thereto the following clause:**

- (fa) the investment is made in a small business primarily located within the geographical boundaries prescribed by the regulations where the investment is

made by a Northern and Eastern small business development corporation; and

**8. Subsection 12 (3) of the said Act is repealed and the following substituted therefor:**

Interpretation

(3) For the purposes of this section,

- (a) “major shareholder” means a person who holds,
  - (i) 20 per cent where the small business development corporation is a Northern and Eastern small business development corporation, or
  - (ii) 10 per cent where the small business development corporation is not a Northern and Eastern small business development corporation,

or more of the voting rights attached to all equity shares of the small business development corporation from time to time outstanding;

- (b) a small business development corporation is widely held if the corporation has,
  - (i) five or more shareholders, each holding not more than 20 per cent of the issued and outstanding shares of the corporation, where the small business development corporation is a Northern and Eastern small business development corporation, or
  - (ii) ten or more shareholders, each holding not more than 10 per cent of the issued and outstanding equity shares of the corporation, where the small business development corporation is not a Northern and Eastern small business development corporation,

and none of the shareholders is an associate or affiliated corporation; and

- (c) where the small business development corporation is a Northern and Eastern small business development corporation, “associate” means, in addition to those definitions set out in subclauses 1 (1) (a) (ii) to (viii), any corporation of which such person beneficially owns directly or indirectly equity shares



carrying more than 20 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding.

**9. Sections 15 and 16 of the said Act are repealed and the following substituted therefor:**

**15.** Notwithstanding section 148 of the *Business Corporations Act, 1982*, every corporation in respect of a financial year or any part thereof during which the corporation was registered under this Act shall comply with the requirements of Part XII of the *Business Corporations Act, 1982* regarding the appointment and duties of an auditor and the corporation shall submit to the Minister within six months after the end of each financial year its financial statements for the year and the auditor's report thereon.

Application  
of  
1982, c. 4,  
Pt. XII

**10. Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 6, is repealed and the following substituted therefor:**

(2) A small business development corporation shall notify the Minister, in the prescribed form, of any proposed action involving,

Notice to  
Minister

- (a) any arrangement under section 181 of the *Business Corporations Act, 1982* that it proposes to place before its shareholders for approval;
- (b) any action by the corporation which would have the effect of reducing the stated capital account of any class or series of equity shares;
- (c) the purchase, surrender, redemption or conversion of any equity share of the corporation;
- (d) the disposition or sale of any eligible investment; or
- (e) the entering into, or amendment of, any shareholder agreement relating to the small business development corporation or any corporation in which the small business development corporation maintains an investment.

1982, c. 4

at least twenty-one days prior to carrying out the proposed action.

**11.—(1) Subsection 21 (1) of the said Act is repealed and the following substituted therefor:**

Payment  
of grant

(1) Subject to subsections (2) and (3), a person who is the beneficial and registered owner of equity shares of a small business development corporation may make an application in the form prescribed by the Minister for a grant and the Minister may pay a grant equal to,

- (a) 30 per cent in the case of shares of a Northern and Eastern small business development corporation; or
- (b) 25 per cent in the case of shares of a small business development corporation that is not a Northern and Eastern small business development corporation.

of the amount of money actually paid by the applicant to the small business development corporation for equity shares issued to the applicant by that corporation.

**(2) Section 21 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 26, section 6, is further amended by adding thereto the following subsections:**

Transitional

(8) Notwithstanding subsection (1), the Minister may pay a grant equal to 30 per cent of the amount of money actually paid by the applicant to the small business development corporation for equity shares where the Minister is satisfied that the shares were fully paid for and issued to the applicant by the small business development corporation prior to the 24th day of October, 1985.

Idem

(9) Where, prior to the 24th day of October, 1985,

- (a) the Minister has consented in writing to the repayment of any advance owing to a shareholder of a small business development corporation in accordance with provisions prescribed under subclause 9 (1) (d) (v); and
- (b) a substantial portion of the advance approved by the Minister has been made,

an application for a grant under subsection (1) shall be treated as if an investment equal to the full amount of the advance approved by the Minister was paid by the applicant to the small business development corporation for equity shares that were fully paid for and issued to the applicant prior to the 24th day of October, 1985.

**12.—(1) Subsection 22 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to subsection (2), a corporation that is the beneficial and registered owner of equity shares of a small business development corporation may, subject to the approval of the Minister, deduct from the tax otherwise payable by it under Part II of the *Corporations Tax Act*, an amount equal to,

Tax credit

R.S.O. 1980.  
c. 97

- (a) 30 per cent in the case of shares of a Northern and Eastern small business development corporation; or
- (b) 25 per cent in the case of shares of a small business development corporation that is not a Northern and Eastern small business development corporation,

of the amount of money actually paid by the corporation to the small business development corporation for equity shares issued to it by the corporation.

**(2) Section 22 of the said Act is amended by adding thereto the following subsections:**

(3) Notwithstanding subsection (1), the Minister may approve the deduction by a corporation from the tax otherwise payable by it under Part II of the *Corporations Tax Act* of an amount equal to 30 per cent of the amount of money actually paid by the corporation to the small business development corporation for equity shares where the Minister is satisfied that such shares were fully paid for and issued to the corporation by the small business development corporation prior to the 24th day of October, 1985.

Transitional

R.S.O. 1980.  
c. 97

(4) Where, prior to the 24th day of October, 1985,

Idem

- (a) the Minister has consented in writing to the repayment of any advance owing to a shareholder of a small business development corporation in accordance with provisions prescribed under subclause 9 (1) (d) (v); and
- (b) a substantial portion of the advance approved by the Minister has been made,

an application for a tax credit under subsection (1) shall be treated as if an investment equal to the full amount of the advance approved by the Minister was paid by the applicant to the small business development corporation for equity shares that were fully paid for and issued to the applicant prior to the 24th day of October, 1985.

**13. Subsections 22a (3) and (4) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, are repealed and the following substituted therefor:**

Incentive  
fund election

(3) Before the Minister makes a grant or allows a tax credit to a shareholder of a small business development corporation that is not a Northern and Eastern small business development corporation in respect of equity shares issued on or after the 24th day of October, 1985, the small business development corporation shall file an election in the prescribed form designating, with respect to each such equity share, the fund described in clause (1) (b) or (c) from which a grant or tax credit is to be paid or allowed to the holder of such equity share.

Payment  
from funds

(4) The Minister shall make a grant or allow a credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund designated by the small business development corporation in the election filed under subsection (3) where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

**14. Paragraphs 1, 2, 3 and 4 of section 24 of the said Act are repealed and the following substituted therefor:**

1. Where an equity share of the small business development corporation is purchased or otherwise acquired by the small business development corporation for a total consideration equal to or greater than that for which the share was issued, the small business development corporation shall pay to the Minister an amount equal to,
  - (a) in the case of an equity share of a small business development corporation issued and fully paid for prior to the 24th day of October, 1985,
    - (i) 30 per cent where, at the time of purchase or acquisition, the small business

development corporation does not maintain at least 70 per cent of its assets in the form of eligible investments or is not complying fully with the Act, the spirit and intent of the Act or the regulations, or

- (ii) 25 per cent where, at the time of purchase or acquisition, the small business development corporation is maintaining at least 70 per cent of its assets in the form of eligible investments and is complying fully with the Act, the spirit and intent of the Act and the regulations,

of the consideration paid to the corporation by the shareholder for the share at the time it was issued; or

- (b) in the case of an equity share of a small business development corporation issued and paid for on or after the 24th day of October, 1985, an amount equal to,

- (i) 30 per cent where the share is a share of a Northern and Eastern small business development corporation, or

- (ii) 25 per cent where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation,

of the consideration paid to the corporation by the shareholder for the share at the time the share was issued.

2. Where an equity share of the small business development corporation is purchased or otherwise acquired by the small business development corporation for a total consideration that is less than that for which the share was issued, the small business development corporation shall pay to the Minister,

- (a) in the case of an equity share of a small business development corporation issued and fully paid for prior to the 24th day of October, 1985, an amount of money equal to,

- (i) .4286 where, at the time of purchase or acquisition, the small business development corporation does not maintain at least 70 per cent of its assets in the form of eligible investments or is not complying fully with the Act, the spirit and intent of the Act or the regulations, or
- (ii) .3572 where, at the time of purchase or acquisition, the small business development corporation is maintaining at least 70 per cent of its assets in the form of eligible investments and is complying fully with the Act, the spirit and intent of the Act and the regulations,

of the gross consideration paid by the corporation for the purchase or acquisition of the share; or

- (b) in the case of an equity share of a small business development corporation issued and paid for on or after the 24th day of October, 1985, an amount equal to,
  - (i) .4286 where the share is a share of a Northern and Eastern small business development corporation, or
  - (ii) .3572 where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation,

of the gross consideration paid by the corporation for the purchase or acquisition of the share.

- 3. Where the registration of a small business development corporation is revoked or where the corporation proposes to wind up or dissolve, it shall pay the Minister,

- (a) in the case of a small business development corporation registered prior to the 24th day of October, 1985,
  - (i) where, at the time of the revocation, winding up or dissolution, the small business development corporation is not



maintaining 70 per cent of its assets in the form of eligible investments or is not complying with the Act, the spirit and intent of the Act and the regulations, an amount equal to,

(A) 30 per cent of the value of all of the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all shares issued and outstanding prior to the 24th day of October, 1985,

(B) 25 per cent of the value of all of the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued on or after the 24th day of October, 1985,

and outstanding at the time of revocation, winding up or dissolution, calculated in the manner prescribed, or

(ii) 25 per cent of the value of all the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of the revocation, winding up or dissolution, calculated in the manner prescribed, where, at the time of the revocation, winding up or dissolution, the small business development corporation is maintaining 70 per cent of its assets in the form of eligible investments and is complying with the Act, the spirit and intent of the Act and the regulations;

(b) in the case of a small business development corporation registered after the 24th day of October, 1985, an amount equal to,

- (i) 30 per cent where the share is a share of a Northern and Eastern small business development corporation, or
- (ii) 25 per cent where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation,

of the value of all of the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of revocation, winding up or dissolution calculated in the manner prescribed.

- 4. Subject to paragraph 6, where a small business development corporation reduces by any other means the stated capital account of any class or series of equity shares, the small business development corporation shall pay to the Minister,
  - (a) in the case of a reduction of stated capital with respect to shares issued prior to the 24th day of October, 1985, an amount equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this section and either,
    - (i) 30 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation does not maintain at least 70 per cent of its assets in the form of eligible investments or is not complying fully with the Act, the spirit and intent of the Act or the regulations, or
    - (ii) 25 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation is maintaining at least 70 per cent of its assets in the form of eligible

investments and is complying fully with the Act, the spirit and intent of the Act and the regulations;

- (b) in the case of a reduction of stated capital with respect to shares issued on or after the 24th day of October, 1985, an amount of money equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this subsection and either,
  - (i) 30 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a Northern and Eastern small business development corporation, or
  - (ii) 25 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation.
- 5. Where a small business development corporation proposes to wind up or dissolve or where the registration of the small business development corporation is revoked or its registration is surrendered, the small business development corporation shall immediately pay to the Minister an amount of money, in addition to any other amount under this section, equal to the interest earned on all moneys paid into the trust account established by the small business development corporation under section 8 and not paid out in accordance with subsection 8 (2) or (2a) from the date of registration of the corporation under this Act.
- 6. No amount is payable to the Minister if the reduction to stated capital does not exceed real and unrealized losses associated with assets permitted to be held under section 10 and no reduction in stated capital has been made previously in respect of such losses.

7. For the purposes of this section, the amount to be paid by the small business development corporation to the Minister shall be calculated only with reference to equity shares on which a grant has been paid or a credit has been allowed under the Act and in respect of which no amount has been paid to the Crown pursuant to section 32.
8. For the purposes of this section, "shareholders' equity" means the aggregate of,
  - (a) the stated capital of all classes and series of equity shares;
  - (b) the retained earnings or deficit of the small business development corporation as adjusted to exclude,
    - (i) any prior losses from investments in assets not permitted under the Act,
    - (ii) any prior losses from activities not authorized by the articles of incorporation,
    - (iii) an amount equal to any prior profits less prior dividends paid and payable, to the extent that such amount does not exceed the amount of any prior losses from investments in assets permitted under section 10,
    - (iv) the amount of any prior dividends paid or dividends payable which have rendered or will render the small business development corporation insolvent within the meaning of the *Business Corporations Act*, 1982 or which diminished or will diminish its capital, and
    - (v) expenses paid to an officer, director, shareholder or associate of the small business development corporation, or to an associate of any such officer, director or shareholder, to the extent that such expenses are, in the opinion of the Minister, unreasonable; and
  - (c) such other amounts as may be prescribed.

9. A small business development corporation shall be deemed to have disposed of all its assets at fair market value immediately prior to the revocation or surrender of its registration, its winding up or dissolution for the purpose of determining prior losses or prior profits under clause (b) of paragraph 8.

**15.—**(1) This Act, except sections 6, 11 and 12, comes into force on the day following the day it receives Royal Assent. Commence-  
ment

(2) Sections 6, 11 and 12 shall be deemed to have come into force on the 24th day of October, 1985. Idem

**16.** The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986*. Short title

## CHAPTER 4

### **An Act to revise the Family Law Reform Act**

*Assented to January 17th, 1986*

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Preamble      Whereas it is desirable to encourage and strengthen the role of the family; and whereas for that purpose it is necessary to recognize the equal position of spouses as individuals within marriage and to recognize marriage as a form of partnership; and whereas in support of such recognition it is necessary to provide in law for the orderly and equitable settlement of the affairs of the spouses upon the breakdown of the partnership, and to provide for other mutual obligations in family relationships, including the equitable sharing by parents of responsibility for their children;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions	<b>1.</b> —(1) In this Act,
“enfant”	“child” includes a person whom a parent has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;
“cohabiter”	“cohabit” means to live together in a conjugal relationship, whether within or outside marriage;
“tribunal”	“court” means the Provincial Court (Family Division), the Unified Family Court, the District Court or the Supreme Court;
“contrat familial”	“domestic contract” means a domestic contract as defined in Part IV (Domestic Contracts);

Article	Article
58. Contrats conclus en dehors de l'Ontario	PARTIE VI MODIFICATIONS À LA COMMON LAW
59. Accord de paternité	64. Capacité juridique des conjoints
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	77. Titre abrégé

Attendu qu'il est souhaitable d'encourager et de consolider le rôle de la famille; attendu qu'il est nécessaire, pour atteindre ce but, de reconnaître l'égalité des conjoints dans le mariage, et de reconnaître au mariage la qualité de société; attendu que cette reconnaissance doit s'étayer de dispositions législatives qui prévoient le règlement ordonné et équitable des affaires des conjoints en cas d'échec de cette société et qui définissent d'autres obligations réciproques dans le cadre des rapports familiaux, y compris la participation équitable de chaque conjoint aux responsabilités parentales;

Préambule

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«accord de paternité» Accord de paternité au sens de la partie IV (Contrats familiaux).

«paternity agreement»

«cohabiter» Vivre ensemble dans une union conjugale, qu'il y ait eu mariage ou non.

«cohabit»

«conjoint» Soit l'homme, soit la femme qui, selon le cas :

«spouse»

a) sont mariés ensemble;

b) ont contracté, de bonne foi selon la personne qui fait valoir un droit en vertu de la présente loi, un mariage nul de nullité relative ou absolue.

«contrat familial» Contrat familial au sens de la partie IV (Contrats familiaux).

«domestic contract»

"père ou  
mère"

"parent" includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;

"accord de  
paternité"

"paternity agreement" means a paternity agreement as defined in Part IV (Domestic Contracts);

"conjoint"

"spouse" means either of a man and woman who,

(a) are married to each other, or

(b) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

Polygamous  
marriages

(2) In the definition of "spouse", a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Staying  
application

**2.—**(1) If, in an application under this Act, it appears to the court that for the appropriate determination of the spouses' affairs it is necessary or desirable to have other matters determined first or simultaneously, the court may stay the application until another proceeding is brought or determined as the court considers appropriate.

All  
proceedings  
in one court

(2) Except as this Act provides otherwise, no person who is a party to an application under this Act shall make another application under this Act to another court, but the court may order that the proceeding be transferred to a court having other jurisdiction where, in the first court's opinion, the other court is more appropriate to determine the matters in issue that should be determined at the same time.

Applications  
in Supreme  
or District  
Court

(3) In the Supreme or District Court, an application under this Act may be made by action or application.

Statement re  
removal of  
barriers to  
remarriage

(4) A party to an application under section 7 (net family property), 10 (questions of title between spouses), 33 (support), 34 (powers of court) or 37 (variation) may serve on the other party and file with the court a statement, verified by oath or statutory declaration, indicating that,

(a) the author of the statement has removed all barriers that are within his or her control and that would prevent the other spouse's remarriage within that spouse's faith; and

«enfant» S'entend en outre de la personne dont le père ou la mère a manifesté l'intention bien arrêtée de la traiter comme s'il s'agissait d'un enfant de sa famille, sauf si cette personne est placée, contre valeur, dans un foyer d'accueil par celui qui en a la garde légitime. «child»

«père ou mère» S'entend en outre de la personne qui a manifesté l'intention bien arrêtée de traiter un enfant comme s'il s'agissait d'un enfant de sa famille, sauf si elle a accueilli, contre valeur, dans un foyer d'accueil un enfant qui y est placé par celui qui en a la garde légitime. «parent»

«tribunal» Cour provinciale (Division de la famille), Cour unifiée de la famille, Cour de district ou Cour suprême. «court»

(2) Dans la définition du terme «conjoint», un renvoi au mariage comprend un mariage qui est véritablement ou virtuellement polygamique s'il a été célébré dans une compé- tence où la polygamie est reconnue par le régime juridique. Mariage polygamique

**2** (1) Si, dans une requête présentée en vertu de la présente loi, il appert au tribunal que le règlement, au préalable ou simultané, d'autres questions favorisera le règlement des affaires des conjoints, le tribunal peut ordonner qu'il soit sur- sis à la requête jusqu'à ce qu'une autre instance soit intentée ou réglée, selon ce que le tribunal juge approprié. Sursis

(2) Sauf disposition contraire de la présente loi, une partie à une requête présentée en vertu de la présente loi ne présente pas une autre requête en vertu de la présente loi à un autre tribunal. Toutefois, le tribunal peut ordonner que l'instance soit renvoyée à un autre tribunal dont la compétence est mieux adaptée, selon le premier tribunal, au règlement des points litigieux qui devraient être réglés en même temps. Instruction simultanée des requêtes

(3) La requête présentée en vertu de la présente loi à la Cour suprême ou à la Cour de district peut être présentée au moyen d'une action ou d'une requête. Requête pré- sentée à la Cour suprême ou à la Cour de district

(4) La partie à la requête aux termes de l'article 7 (biens familiaux nets), 10 (questions relatives à la propriété), 33 (aliments), 34 (pouvoirs du tribunal) ou 37 (modification) peut signifier à l'autre partie et déposer auprès du tribunal une déclaration appuyée d'un serment ou d'une déclaration solennelle et qui indique : Déclaration concernant le retrait des obstacles au remariage

- a) d'une part, que l'auteur de la déclaration a retiré tous les obstacles qui sont de son pouvoir et qui empêcheraient le remariage de l'autre conjoint au sein de la religion de ce dernier;

(b) the other party has not done so, despite a request.

Idem

(5) Within ten days after service of the statement, or within such longer period as the court allows, the party served with a statement under subsection (4) shall serve on the other party and file with the court a statement, verified by oath or statutory declaration, indicating that the author of the statement has removed all barriers that are within his or her control and that would prevent the other spouse's remarriage within that spouse's faith.

Dismissal,  
etc.

(6) When a party fails to comply with subsection (5),

(a) if the party is an applicant, the proceeding may be dismissed;

(b) if the party is a respondent, the defence may be struck out.

Exception

(7) Subsections (5) and (6) do not apply to a party who does not claim costs or other relief in the proceeding.

Extension  
of times

(8) The court may, on motion, extend a time prescribed by this Act if it is satisfied that,

(a) there are *prima facie* grounds for relief;

(b) relief is unavailable because of delay that has been incurred in good faith; and

(c) no person will suffer substantial prejudice by reason of the delay.

Incorporation  
of contract  
in order

(9) A provision of a domestic contract in respect of a matter that is dealt with in this Act may be incorporated in an order made under this Act.

Act subject  
to contracts

(10) A domestic contract dealing with a matter that is also dealt with in this Act prevails unless this Act provides otherwise.

Registration  
of orders

(11) An order made under this Act that affects real property does not affect the acquisition of an interest in the real property by a person acting in good faith without notice of the order, unless the order is registered in the proper land registry office.



- b) d'autre part, que l'autre partie n'a pas fait de même, malgré une demande.

(5) Dans les dix jours de la signification de la déclaration, ou dans le délai plus long qu'accorde le tribunal, la partie qui a reçu signification de la déclaration visée au paragraphe (4) signifie à l'autre partie et dépose auprès du tribunal une déclaration appuyée d'un serment ou d'une déclaration solennelle et qui indique que l'auteur de la déclaration a retiré tous les obstacles qui sont de son pouvoir et qui empêcheraient le remariage de l'autre conjoint au sein de la religion de ce dernier. Idem

(6) Lorsque la partie ne se conforme pas au paragraphe (5) : Rejet, etc.

- a) si elle est le requérant, l'instance peut être rejetée;
- b) si elle est l'intimé, la défense peut être radiée.

(7) Les paragraphes (5) et (6) ne s'appliquent pas à la partie qui ne fait ni une demande pour ses dépens ni d'autres réclamations lors de l'instance. Exception

(8) À la suite d'une motion, le tribunal peut proroger un délai prévu à la présente loi s'il est convaincu des points suivants : Prorogation des délais

- a) il existe des motifs à première vue d'accorder un redressement;
- b) il est impossible d'accorder un redressement à cause d'un retard encouru de bonne foi;
- c) la prorogation ne causera de préjudice important à personne.

(9) La clause d'un contrat familial relative à une question dont la présente loi traite peut être intégrée à une ordonnance rendue en vertu de la présente loi. Contenu de l'ordonnance

(10) Sauf disposition contraire de la présente loi, un contrat familial prévaut sur ce que la présente loi prévoit dans la même matière. Primauté du contrat familial

(11) L'ordonnance rendue en vertu de la présente loi qui porte sur un bien immeuble n'a pas d'incidence sur l'acquisition d'un droit sur ce bien par une personne qui agit de bonne foi sans avoir connaissance de l'ordonnance, à moins que l'ordonnance ne soit enregistrée au bureau d'enregistrement immobilier compétent. Enregistrement des ordonnances

- Mediation      **3.**—(1) In an application under this Act, the court may, on motion, appoint a person whom the parties have selected to mediate any matter that the court specifies.
- Consent to act      (2) The court shall appoint only a person who,
- (a) has consented to act as mediator; and
  - (b) has agreed to file a report with the court within the period of time specified by the court.
- Duty of mediator      (3) The mediator shall confer with the parties, and with the children if the mediator considers it appropriate to do so, and shall endeavour to obtain an agreement between the parties.
- Full or limited report      (4) Before entering into mediation, the parties shall decide whether,
- (a) the mediator is to file a full report on the mediation, including anything that he or she considers relevant; or
  - (b) the mediator is to file a limited report that sets out only the agreement reached by the parties or states only that the parties did not reach agreement.
- Filing and copies of report      (5) The mediator shall file with the clerk or registrar of the court a full or limited report, as the parties have decided, and shall give a copy to each of the parties.
- Admissions, etc., in the course of mediation      (6) If the parties have decided that the mediator is to file a limited report, no evidence of anything said or of any admission or communication made in the course of the mediation is admissible in any proceeding, except with the consent of all parties to the proceeding in which the mediator was appointed.
- Fees and expenses      (7) The court shall require the parties to pay the mediator's fees and expenses and shall specify in the order the proportions or amounts of the fees and expenses that each party is required to pay.
- Idem, serious financial hardship      (8) The court may require one party to pay all the mediator's fees and expenses if the court is satisfied that payment would cause the other party or parties serious financial hardship.

**3** (1) Dans une requête présentée en vertu de la présente loi, le tribunal peut, à la suite d'une motion, nommer comme médiateur chargé de régler une question que le tribunal précise une personne choisie par les parties. Médiateur

(2) Le tribunal ne nomme, comme médiateur, qu'une personne qui satisfait aux conditions suivantes : Consentement du médiateur

- a) elle consent à agir en cette qualité;
- b) elle accepte de déposer son rapport auprès du tribunal dans les délais que celui-ci impartit.

(3) Il incombe au médiateur de conférer avec les parties, et avec les enfants si cela lui paraît opportun, et de chercher à faire conclure une entente entre les parties. Fonctions

(4) Avant de commencer la procédure de médiation, les parties déterminent si : Contenu du rapport

- a) le médiateur déposera un rapport complet sur la médiation, y compris tout point qu'il juge pertinent;
- b) le médiateur déposera un rapport limité précisant seulement les termes de l'entente conclue entre les parties ou le fait qu'elles ne sont pas parvenues à une entente.

(5) Le médiateur dépose son rapport, dans la forme convenue entre les parties, auprès du greffier du tribunal et en donne une copie à chaque partie. Dépôt et copies du rapport

(6) Si les parties ont décidé que le médiateur déposera un rapport limité, la preuve des propos tenus pendant la procédure de médiation ou des déclarations ou des aveux qui y ont été faits n'est pas admissible, sauf si toutes les parties à l'instance au cours de laquelle le médiateur a été nommé y consentent. Aveux faits pendant la médiation, etc.

(7) Le tribunal met les honoraires et les dépenses du médiateur à la charge des parties et précise dans l'ordonnance la part des honoraires et des dépenses que chaque partie doit payer. Honoraires et dépenses

(8) Le tribunal peut exiger qu'une partie paie la totalité des honoraires et des dépenses du médiateur s'il est convaincu que ce paiement causerait de sérieuses difficultés financières à l'autre ou aux autres parties. Idem, sérieuses difficultés financières

## PART I

## FAMILY PROPERTY

## Definitions

**4.—(1)** In this Part,

“tribunal”

“court” means a court as defined in subsection 1 (1), but does not include the Provincial Court (Family Division);

“foyer  
conjugal”

“matrimonial home” means a matrimonial home under section 18 and includes property that is a matrimonial home under that section at the valuation date;

“biens  
famiaux  
nets”

“net family property” means the value of all the property, except property described in subsection (2), that a spouse owns on the valuation date, after deducting,

- (a) the spouse’s debts and other liabilities, and
- (b) the value of property, other than a matrimonial home, that the spouse owned on the date of the marriage, after deducting the spouse’s debts and other liabilities, calculated as of the date of the marriage;

“bien”

“property” means any interest, present or future, vested or contingent, in real or personal property and includes,

- (a) property over which a spouse has, alone or in conjunction with another person, a power of appointment exercisable in favour of himself or herself,
- (b) property disposed of by a spouse but over which the spouse has, alone or in conjunction with another person, a power to revoke the disposition or a power to consume or dispose of the property, and
- (c) in the case of a spouse’s rights under a pension plan that have vested under clause 20 (1) (a) of the *Pension Benefits Act*, the employer’s contributions to the spouse’s pension;

R.S.O. 1980,  
c. 373

“date  
d’évaluation”

“valuation date” means the earliest of the following dates:

- 1. The date the spouses separate and there is no reasonable prospect that they will resume cohabitation.
- 2. The date a divorce is granted.
- 3. The date the marriage is declared a nullity.

## PARTIE I

## BIENS FAMILIAUX

**4** (1) Les définitions qui suivent s'appliquent à la pré- Définitions  
sente partie.

«bien» Droit, actuel ou futur, acquis ou éventuel, sur un bien «property»  
meuble ou immeuble. Sont compris :

- a) le bien sur lequel le conjoint possède, seul ou avec une autre personne, un pouvoir de désignation qu'il peut exercer en faveur de lui-même;
- b) le bien aliéné par un conjoint mais sur lequel il possède, seul ou avec une autre personne, le pouvoir de révoquer l'aliénation ou celui de consommer ou d'aliéner le bien;
- c) dans le cas du droit du conjoint, en vertu d'un régime de retraite, qui a été acquis aux termes de l'alinéa 20 (1) a) de la *Loi sur les régimes de retraite*, les contributions de l'employeur à la retraite du conjoint.

L.R.O. 1980,  
chap. 373

«biens familiaux nets» Valeur de tous les biens, à l'exception des biens décrits au paragraphe (2), dont le conjoint est le propriétaire à la date d'évaluation, après déduction des éléments suivants : «net family property»

- a) ses dettes et autres éléments de passif;
- b) la valeur des biens, à l'exception d'un foyer conjugal, dont le conjoint était le propriétaire à la date du mariage, après déduction de ses dettes et autres éléments de passif, calculée à la date du mariage.

«date d'évaluation» La première des dates suivantes : «valuation date»

1. La date à laquelle les conjoints se séparent et qu'il n'existe aucune perspective raisonnable qu'ils cohabitent de nouveau.
2. La date à laquelle le divorce est accordé.
3. La date à laquelle le mariage est déclaré nul.

4. The date one of the spouses commences an application based on subsection 5 (3) (improvident depletion) that is subsequently granted.
5. The date before the date on which one of the spouses dies leaving the other spouse surviving.

Excluded  
property

(2) The value of the following property that a spouse owns on the valuation date does not form part of the spouse's net family property:

1. Property, other than a matrimonial home, that was acquired by gift or inheritance from a third person after the date of the marriage.
2. Income from property referred to in paragraph 1, if the donor or testator has expressly stated that it is to be excluded from the spouse's net family property.
3. Damages or a right to damages for personal injuries, nervous shock, mental distress or loss of guidance, care and companionship, or the part of a settlement that represents those damages.
4. Proceeds or a right to proceeds of a life insurance policy as defined in the *Insurance Act*.
5. Property, other than a matrimonial home, into which property referred to in paragraphs 1 to 4 can be traced.
6. Property that the spouses have agreed by a domestic contract is not to be included in the spouse's net family property.

R.S.O. 1980,  
c. 218

Onus of  
proof re  
deductions  
and  
exclusions

(3) The onus of proving a deduction under the definition of "net family property" or an exclusion under subsection (2) is on the person claiming it.

Close of  
business

(4) When this section requires that a value be calculated as of a given date, it shall be calculated as of close of business on that date.



4. La date à laquelle un des conjoints introduit une requête visée au paragraphe 5 (3) (dilapidation) qui est accordée par la suite.
5. La date avant la date à laquelle l'un des conjoints décède et l'autre lui survit.

«foyer conjugal» Foyer conjugal au sens de l'article 18. S'entend en outre du bien qui est un foyer conjugal au sens de cet article à la date d'évaluation. «matrimonial home»

«tribunal» Tribunal au sens du paragraphe 1 (1), à l'exclusion de la Cour provinciale (Division de la famille). «court»

(2) La valeur des biens suivants dont le conjoint est le propriétaire à la date d'évaluation ne fait pas partie de ses biens familiaux nets : Biens exclus

1. Le bien, à l'exception d'un foyer conjugal, qui est un don ou un héritage que le conjoint a acquis d'un tiers après la date du mariage.
2. Les revenus provenant d'un don ou d'un héritage visé au point 1, si le donateur ou le testateur a expressément indiqué qu'ils doivent être exclus des biens familiaux nets du conjoint.
3. Les dommages-intérêts au titre de lésions corporelles, de choc nerveux, de souffrances morales ou de perte de conseils, de soins et de compagnie, le droit à ces dommages-intérêts ou la partie d'une transaction qui représente ces dommages-intérêts.
4. Le produit d'une police d'assurance-vie au sens de la *Loi sur les assurances*, ou le droit de le recevoir.
5. Les biens, à l'exception d'un foyer conjugal, qu'on peut faire remonter aux biens visés aux points 1 à 4.
6. Le bien qui, d'après le contrat familial conclu entre les conjoints, doit être exclu des biens familiaux nets du conjoint.

(3) Le fardeau de prouver une déduction aux termes de la définition du terme «biens familiaux nets» ou une exclusion aux termes du paragraphe (2) revient à la personne qui la demande. Fardeau de la preuve en ce qui concerne les déductions et exclusions

(4) Lorsque le présent article prévoit qu'une valeur soit calculée à une date donnée, le calcul se fait à la fermeture des bureaux à cette date. Fermeture des bureaux

Net family property not to be less than zero

(5) If a spouse's net family property as calculated under subsections (1), (2) and (4) is less than zero, it shall be deemed to be equal to zero.

Equalization of net family properties

**5.—**(1) When a divorce is granted or a marriage is declared a nullity, or when the spouses are separated and there is no reasonable prospect that they will resume cohabitation, the spouse whose net family property is the lesser of the two net family properties is entitled to one-half the difference between them.

Idem

(2) When a spouse dies, if the net family property of the deceased spouse exceeds the net family property of the surviving spouse, the surviving spouse is entitled to one-half the difference between them.

Improvident depletion of spouse's net family property

(3) When spouses are cohabiting, if there is a serious danger that one spouse may improvidently deplete his or her net family property, the other spouse may on an application under section 7 have the difference between the net family properties divided as if the spouses were separated and there were no reasonable prospect that they would resume cohabitation.

No further division

(4) After the court has made an order for division based on subsection (3), neither spouse may make a further application under section 7 in respect of their marriage.

Idem

(5) Subsection (4) applies even though the spouses continue to cohabit, unless a domestic contract between the spouses provides otherwise.

Variation of share

(6) The court may award a spouse an amount that is more or less than half the difference between the net family properties if the court is of the opinion that equalizing the net family properties would be unconscionable, having regard to,

- (a) a spouse's failure to disclose to the other spouse debts or other liabilities existing at the date of the marriage;
- (b) the fact that debts or other liabilities claimed in reduction of a spouse's net family property were incurred recklessly or in bad faith;
- (c) the part of a spouse's net family property that consists of gifts made by the other spouse;

(5) Si le résultat du calcul des biens familiaux nets prévu aux paragraphes (1), (3) et (4) est inférieur à zéro, il est réputé être égal à zéro.

Biens familiaux nets non inférieurs à zéro

**5** (1) Si un jugement conditionnel de divorce est prononcé, que le mariage est déclaré nul ou que les conjoints sont séparés et qu'il n'existe aucune perspective raisonnable qu'ils cohabitent de nouveau, le conjoint qui possède le moins de biens familiaux nets a droit à la moitié de la différence entre les biens familiaux nets de son conjoint et les siens.

Égalisation des biens familiaux nets

(2) Si un conjoint décède et que ses biens familiaux nets excèdent ceux du conjoint survivant, ce dernier a droit à la moitié de la différence entre eux.

Idem

(3) Si les conjoints cohabitent et qu'il existe un grave danger que l'un d'eux puisse dilapider ses biens familiaux nets, l'autre conjoint peut, par voie de requête présentée en vertu de l'article 7, obtenir que la différence entre les biens familiaux nets des deux conjoints soit divisée comme si les conjoints étaient séparés et qu'il n'existait aucune perspective raisonnable qu'ils cohabitent de nouveau.

Dilapidation des biens familiaux nets

(4) Après que le tribunal a rendu une ordonnance de partage fondée sur le paragraphe (3), aucun des conjoints ne peut présenter une autre requête en vertu de l'article 7 à l'égard du mariage.

Aucun autre partage

(5) Le paragraphe (4) s'applique même si les conjoints continuent de cohabiter, sauf disposition contraire d'un contrat familial conclu entre les conjoints.

Idem

(6) Le tribunal peut accorder à un conjoint un montant qui est inférieur ou supérieur à la moitié de la différence entre les biens familiaux nets qui appartiennent à chacun des conjoints si le tribunal est d'avis que l'égalisation des biens familiaux nets serait inadmissible, compte tenu des facteurs suivants :

Modification du montant

- a) le défaut d'un conjoint de révéler à l'autre des dettes ou d'autres éléments de passif qui existaient à la date du mariage;
- b) le fait que des dettes ou d'autres éléments de passif réclamés en faveur de la réduction des biens familiaux nets d'un conjoint ont été contractés de façon inconsciente ou de mauvaise foi;
- c) la partie des biens familiaux nets d'un conjoint qui se compose de dons faits par l'autre conjoint;

- (d) a spouse's intentional or reckless depletion of his or her net family property;
- (e) the fact that the amount a spouse would otherwise receive under subsection (1), (2) or (3) is disproportionately large in relation to a period of cohabitation that is less than five years;
- (f) the fact that one spouse has incurred a disproportionately larger amount of debts or other liabilities than the other spouse for the support of the family;
- (g) a written agreement between the spouses that is not a domestic contract; or
- (h) any other circumstance relating to the acquisition, disposition, preservation, maintenance or improvement of property.

**Purpose**

(7) The purpose of this section is to recognize that child care, household management and financial provision are the joint responsibilities of the spouses and that inherent in the marital relationship there is equal contribution, whether financial or otherwise, by the spouses to the assumption of these responsibilities, entitling each spouse to the equalization of the net family properties, subject only to the equitable considerations set out in subsection (6).

**Election:  
spouse's will**

**6.**—(1) When a spouse dies leaving a will, the surviving spouse shall elect to take under the will or to receive the entitlement under section 5.

**Idem:  
spouse's  
intestacy  
R.S.O. 1980,  
c. 488**

(2) When a spouse dies intestate, the surviving spouse shall elect to receive the entitlement under Part II of the *Succession Law Reform Act* or to receive the entitlement under section 5.

**Idem:  
spouse's  
partial  
intestacy**

(3) When a spouse dies testate as to some property and intestate as to other property, the surviving spouse shall elect to take under the will and to receive the entitlement under Part II of the *Succession Law Reform Act*, or to receive the entitlement under section 5.

**Property  
outside estate**

(4) A surviving spouse who elects to take under the will or to receive the entitlement under Part II of the *Succession Law Reform Act*, or both in the case of a partial intestacy, shall also receive the other property to which he or she is entitled because of the first spouse's death.

- d) la dilapidation volontaire ou inconséquente par un conjoint de ses biens familiaux nets;
- e) le fait que le montant qu'un conjoint recevrait autrement en vertu du paragraphe (1), (2) ou (3) est excessivement considérable par rapport à une période de cohabitation qui est inférieure à cinq ans;
- f) le fait qu'un conjoint a contracté des dettes ou d'autres éléments de passif excessivement considérables par rapport à ceux de l'autre conjoint pour subvenir aux besoins de la famille;
- g) un accord écrit entre les conjoints qui n'est pas un contrat familial;
- h) n'importe quelle autre circonstance concernant l'acquisition, l'aliénation, la conservation, l'entretien ou l'amélioration des biens.

(7) Le but du présent article est de reconnaître que les soins à donner aux enfants, la gestion du ménage et l'apport financier constituent des responsabilités communes aux conjoints, et d'affirmer que la contribution de chacun des conjoints, financière ou autre, en vue d'assumer ces responsabilités est implicite dans une relation matrimoniale. Par le fait même, chacun des conjoints a droit à l'égalisation des biens familiaux nets, sous réserve seulement des considérations équitables énoncées au paragraphe (6). But

**6** (1) Si un conjoint décède en laissant un testament, le conjoint survivant choisit soit de bénéficier des dispositions testamentaires, soit de jouir du droit prévu à l'article 5. Choix du conjoint :  
succession  
testamentaire

(2) Si un conjoint décède sans testament, le conjoint survivant choisit soit de jouir du droit prévu à la partie II de la *Loi portant réforme du droit des successions*, soit de jouir du droit prévu à l'article 5. Idem :  
succession  
*ab intestat*  
L.R.O. 1980,  
chap. 488

(3) Si un conjoint décède et laisse une succession en partie testamentaire et en partie sans testament, le conjoint survivant choisit soit de bénéficier des dispositions testamentaires et de jouir du droit prévu à la partie II de la *Loi portant réforme du droit des successions*, soit de jouir du droit prévu à l'article 5. Idem :  
succession en  
partie  
testamentaire

(4) Le conjoint survivant qui choisit de bénéficier des dispositions testamentaires ou de jouir du droit prévu à la partie II de la *Loi portant réforme du droit des successions*, ou des deux, s'il s'agit d'une succession en partie testamentaire, jouit également des autres biens auxquels il a droit en raison de la mort du premier conjoint. Biens hors de  
la succession



Gifts by will

(5) The surviving spouse shall receive the gifts made to him or her in the deceased spouse's will in addition to the entitlement under section 5 if the will expressly provides for that result.

Insurance,  
etc.

R.S.O. 1980,  
c. 218

(6) A surviving spouse who is the beneficiary of a policy of life insurance, as defined in the *Insurance Act*, that was taken out on the life of the deceased spouse and owned by the deceased spouse or was taken out on the lives of a group of which he or she was a member, or is the beneficiary under a pension plan or similar plan that provides a payment on the death of the deceased spouse, shall receive payment under the policy or plan in addition to the entitlement under section 5, if a written designation by the deceased spouse expressly provides for that result.

Effect of  
election  
to receive  
entitlement  
under  
section 5

(7) When a surviving spouse elects to receive the entitlement under section 5, the gifts made to him or her in the deceased spouse's will are revoked and the will shall be interpreted as if the surviving spouse had died before the other, unless the will expressly provides that the gifts are in addition to the entitlement under section 5.

Election

(8) When a surviving spouse elects to receive the entitlement under section 5, the spouse shall be deemed to have disclaimed,

R.S.O. 1980,  
c. 488

(a) the entitlement under Part II of the *Succession Law Reform Act*; and

(b) the right to receive payment under an insurance policy or pension plan or similar plan as described in subsection (6), unless a written designation by the deceased spouse expressly provides that the payment is in addition to the entitlement under section 5.

Manner of  
making  
election

(9) The surviving spouse's election shall be filed in the office of the Surrogate Clerk for Ontario within six months after the first spouse's death.

Deemed  
election

R.S.O. 1980,  
c. 488

(10) If the surviving spouse does not file the election within that time, he or she shall be deemed to have elected to take under the will or to receive the entitlement under the *Succession Law Reform Act*, or both, as the case may be, unless the court, on application, orders otherwise.

Priority of  
spouse's  
entitlement

(11) The spouse's entitlement under section 5 has priority over,

(a) the gifts made in the deceased spouse's will, if any, subject to subsection (12);



(5) Outre le droit prévu à l'article 5, et si le testament prévoit expressément cette disposition, le conjoint survivant jouit des dons qui lui sont faits dans le testament du conjoint décédé.

Dons testamentaires

(6) Outre le droit prévu à l'article 5, et si une désignation écrite faite par le conjoint décédé prévoit expressément cette disposition, le conjoint survivant qui est le bénéficiaire d'une police d'assurance-vie, au sens de la *Loi sur les assurances*, qui a été souscrite sur la tête du conjoint décédé et dont ce dernier était propriétaire ou qui a été souscrite sur les têtes d'un groupe de personnes dont était membre le conjoint décédé, ou qui est le bénéficiaire en vertu d'un régime de retraite ou d'un régime semblable qui prévoit le versement d'une somme lors du décès, touche la somme versée en vertu de la police ou du régime.

Assurances, etc.

L.R.O. 1980, chap. 218

(7) Lorsque le conjoint survivant choisit de jouir du droit prévu à l'article 5, les dons qui lui sont faits dans le testament du conjoint décédé sont révoqués et le testament s'interprète comme si le conjoint survivant était décédé avant l'autre, à moins que le testament ne prévoie expressément que les dons s'ajoutent au droit prévu à l'article 5.

Effet du choix du droit prévu à l'art. 5

(8) Lorsque le conjoint survivant choisit de jouir du droit prévu à l'article 5, il est réputé avoir renoncé :

Idem

a) au droit prévu à la partie II de la *Loi portant réforme du droit des successions*;

L.R.O. 1980, chap. 488

b) au droit de toucher une somme en vertu d'une police d'assurance ou d'un régime de retraite ou d'un régime semblable tels qu'ils sont décrits au paragraphe (6), à moins qu'une désignation écrite de la part du conjoint décédé ne prévoie expressément que la somme versée s'ajoute au droit prévu à l'article 5.

(9) Le choix du conjoint survivant est déposé au bureau du greffier général des cours des successions de l'Ontario dans les six mois qui suivent le décès de l'autre conjoint.

Dépôt du choix

(10) Si le conjoint survivant ne dépose pas le choix dans ce délai, il est réputé avoir choisi de bénéficier des dispositions testamentaires, ou de jouir du droit prévu dans la *Loi portant réforme du droit des successions*, ou des deux, selon le cas, sauf ordonnance contraire du tribunal à la suite d'une requête.

Choix réputé

L.R.O. 1980, chap. 488

(11) Le droit du conjoint prévu à l'article 5 prévaut sur :

Prédominance

a) les dons faits dans le testament du conjoint décédé, le cas échéant, sous réserve du paragraphe (12);

- R.S.O. 1980,  
c. 488
- (b) a person's right to a share of the estate under Part II (Intestate Succession) of the *Succession Law Reform Act*;
  - (c) an order made against the estate under Part V (Support of Dependants) of the *Succession Law Reform Act*, except an order in favour of a child of the deceased spouse.
- Exception
- (12) The spouse's entitlement under section 5 does not have priority over a gift by will made in accordance with a contract that the deceased spouse entered into in good faith and for valuable consideration, except to the extent that the value of the gift, in the court's opinion, exceeds the consideration.
- Distribution within six months of death restricted
- (13) No distribution shall be made in the administration of a deceased spouse's estate within six months of the spouse's death, unless,
- (a) the surviving spouse gives written consent to the distribution; or
  - (b) the court authorizes the distribution.
- Idem. notice of application
- (14) No distribution shall be made in the administration of a deceased spouse's death after the personal representative has received notice of an application under this Part, unless,
- (a) the applicant gives written consent to the distribution; or
  - (b) the court authorizes the distribution.
- Extension of limitation period
- (15) If the court extends the time for a spouse's application based on subsection 5 (2), any property of the deceased spouse that is distributed before the date of the order and without notice of the application shall not be brought into the calculation of the deceased spouse's net family property.
- Exception
- (16) Subsections (13) and (14) do not prohibit reasonable advances to dependants of the deceased spouse for their support.
- Definition
- R.S.O. 1980,  
c. 488
- (17) In subsection (16), "dependant" has the same meaning as in Part V of the *Succession Law Reform Act*.
- Liability of personal representative
- (18) If the personal representative makes a distribution that contravenes subsection (13) or (14), the court makes an order against the estate under this Part and the undistributed portion of the estate is not sufficient to satisfy the order, the per-

- b) le droit d'une personne au partage de la succession en vertu de la partie II (Successions *ab intestat*) de la *Loi portant réforme du droit des successions*;

L.R.O. 1980,  
chap. 488

- c) une ordonnance rendue contre la succession en vertu de la partie V (Les aliments) de la *Loi portant réforme du droit des successions*, sauf une ordonnance au profit d'un enfant du conjoint décédé.

(12) Le droit du conjoint prévu à l'article 5 ne prévaut pas sur le don testamentaire fait conformément à un contrat conclu de bonne foi et pour une contrepartie valable par le conjoint décédé, sauf dans la mesure où, de l'avis du tribunal, la valeur du don excède celle de la contrepartie.

Exception

(13) Aucun partage n'est fait en ce qui concerne l'administration de la succession d'un conjoint décédé dans les six mois qui suivent son décès, à moins que, selon le cas :

Aucun  
partage  
dans les six  
mois du décès

- a) le conjoint survivant n'autorise, par écrit, le partage;
- b) le tribunal n'autorise le partage.

(14) Aucun partage n'est fait en ce qui concerne l'administration de la succession d'un conjoint décédé après que le représentant successoral a reçu un avis d'une requête présentée en vertu de la présente partie, à moins que, selon le cas :

Idem,  
avis de  
requête

- a) le requérant n'autorise, par écrit, le partage;
- b) le tribunal n'autorise le partage.

(15) Si le tribunal proroge le délai pour présenter une requête fondée sur le paragraphe 5 (2), le bien du conjoint décédé qui a fait l'objet d'un partage avant la date de l'ordonnance et sans connaissance de la requête n'entre pas dans le calcul des biens familiaux nets du conjoint décédé.

Prorogation  
du délai

(16) Les paragraphes (13) et (14) n'interdisent pas les avances normales aux personnes à charge du conjoint décédé, à titre d'aliments.

Exception

(17) Pour l'application du paragraphe (16), le terme «personne à charge» s'entend au sens de la partie V de la *Loi portant réforme du droit des successions*.

Définition

L.R.O. 1980,  
chap. 488

(18) Si le représentant successoral fait un partage qui enfreint le paragraphe (13) ou (14), le tribunal rend une ordonnance contre la succession en vertu de la présente partie et si la partie de la succession qui n'a pas fait l'objet d'un

Responsabilité  
du représen-  
tant  
successoral

sonal representative is personally liable to the applicant for the amount that was distributed or the amount that is required to satisfy the order, whichever is less.

Order  
suspending  
adminis-  
tration

(19) On motion by the surviving spouse, the court may make an order suspending the administration of the deceased spouse's estate for the time and to the extent that the court decides.

Application  
to court

**7.**—(1) The court may, on the application of a spouse, former spouse or deceased spouse's personal representative, determine any matter respecting the spouses' entitlement under section 5.

Personal  
action;  
estates

(2) Entitlement under subsections 5 (1), (2) and (3) is personal as between the spouses but,

- (a) an application based on subsection 5 (1) or (3) and commenced before a spouse's death may be continued by or against the deceased spouse's estate; and
- (b) an application based on subsection 5 (2) may be made by or against a deceased spouse's estate.

Limitation

(3) An application based on subsection 5 (1) or (2) shall not be brought after the earliest of,

- (a) two years after the day the marriage is terminated by divorce or judgment of nullity;
- (b) six years after the day the spouses separate and there is no reasonable prospect that they will resume cohabitation;
- (c) six months after the first spouse's death.

Statement  
of property

**8.** In an application under section 7, each party shall serve on the other and file with the court, in the manner and form prescribed by the rules of the court, a statement verified by oath or statutory declaration disclosing particulars of,

- (a) the party's property and debts and other liabilities,
  - (i) as of the date of the marriage,

partage ne suffit pas pour exécuter l'ordonnance, le représentant successoral est personnellement redevable au requérant du montant qui a été partagé ou du montant nécessaire pour exécuter l'ordonnance, selon le moindre de ces montants.

(19) À la suite de la motion du conjoint survivant, le tribunal peut ordonner la suspension de l'administration de la succession du conjoint décédé pour une durée et dans la mesure que décide le tribunal.

Ordonnance  
suspendant  
l'administra-  
tion

**7** (1) Le tribunal peut, à la suite de la requête d'un conjoint, d'un ancien conjoint ou du représentant successoral d'un conjoint décédé, régler toute question relative au droit des conjoints prévu à l'article 5.

Requête  
présentée au  
tribunal

(2) Le droit prévu aux paragraphes 5 (1), (2) et (3) est personnel aux conjoints. Toutefois :

Action per-  
sonnelle;  
successions

- a) une requête fondée sur le paragraphe 5 (1) ou (3) et introduite avant le décès d'un conjoint peut être continuée par ou contre la succession du conjoint décédé;
- b) une requête fondée sur le paragraphe 5 (2) peut être présentée par ou contre la succession d'un conjoint décédé.

(3) La requête fondée sur le paragraphe 5 (1) ou (2) n'est pas introduite après la première des dates suivantes :

Délai de  
prescription

- a) deux ans après le jour où le mariage prend fin en vertu du divorce ou du jugement de nullité;
- b) six ans après le jour où les conjoints se séparent et qu'il n'existe aucune perspective raisonnable qu'ils cohabitent de nouveau;
- c) six mois après le décès du premier conjoint.

**8** Dans la requête présentée en vertu de l'article 7, chaque partie signifie à l'autre et dépose auprès du tribunal, de la façon et dans la forme prescrites par les règles de pratique, une déclaration appuyée d'un serment ou d'une déclaration solennelle comprenant des précisions sur les points suivants :

Déclaration  
des biens

- a) tous ses biens ainsi que ses dettes et autres éléments de passif, aux dates suivantes :
  - (i) la date du mariage,

- (ii) as of the valuation date, and
- (iii) as of the date of the statement;
- (b) the deductions that the party claims under the definition of “net family property”;
- (c) the exclusions that the party claims under subsection 4 (2); and
- (d) all property that the party disposed of during the two years immediately preceding the making of the statement, or during the marriage, whichever period is shorter.

Powers  
of court

**9.—**(1) In an application under section 7, the court may order,

- (a) that one spouse pay to the other spouse the amount to which the court finds that spouse to be entitled under this Part;
- (b) that security, including a charge on property, be given for the performance of an obligation imposed by the order;
- (c) that, if necessary to avoid hardship, an amount referred to in clause (a) be paid in instalments during a period not exceeding ten years or that payment of all or part of the amount be delayed for a period not exceeding ten years; and
- (d) that, if appropriate to satisfy an obligation imposed by the order,
  - (i) property be transferred to or in trust for or vested in a spouse, whether absolutely, for life or for a term of years, or
  - (ii) any property be partitioned or sold.

Financial  
information,  
inspections

(2) The court may, at the time of making an order for instalment or delayed payments or on motion at a later time, order that the spouse who has the obligation to make payments shall,

- (a) furnish the other spouse with specified financial information, which may include periodic financial statements; and



- (ii) la date d'évaluation,
- (iii) la date de la déclaration;
- b) les déductions que la partie demande en vertu de la définition «biens familiaux nets»;
- c) les exclusions que la partie demande en vertu du paragraphe 4 (2);
- d) tous les biens qu'elle a aliénés au cours des deux années qui ont précédé immédiatement la déclaration, ou au cours du mariage, selon la plus courte des deux périodes.

**9** (1) À la suite d'une requête présentée en vertu de l'article 7, le tribunal peut ordonner les mesures suivantes : Pouvoirs du tribunal

- a) qu'un conjoint verse à l'autre conjoint le montant auquel le tribunal a décidé que ce conjoint a droit en vertu de la présente partie;
- b) qu'une sûreté, y compris une charge sur un bien, soit donnée pour garantir l'exécution de l'obligation qu'impose l'ordonnance;
- c) si cela est nécessaire en vue d'éviter un préjudice, que le montant visé à l'alinéa a) soit payé par versements échelonnés au cours d'une période qui ne dépasse pas dix ans ou que le paiement de la totalité ou d'une partie du montant soit différé pendant une période qui ne dépasse pas dix ans;
- d) si cela est approprié pour exécuter une obligation qu'impose l'ordonnance :
  - (i) soit le transfert, le versement en fiducie ou l'assignation d'un bien en faveur d'un conjoint, en propriété absolue, viagère, ou pour un nombre d'années déterminé,

(ii) soit qu'un bien soit partagé ou vendu.

(2) Lorsqu'il rend une ordonnance de versements échelonnés ou différés ou à la suite d'une motion présentée plus tard, le tribunal peut ordonner que le conjoint qui est tenu de faire les versements : Renseignements financiers, inspections et examens

- a) fournisse à l'autre conjoint des renseignements financiers précis, qui peuvent comprendre des états financiers périodiques;

- (b) permit inspections of specified property of the spouse by or on behalf of the other spouse, as the court directs.

Variation

(3) If the court is satisfied that there has been a material change in the circumstances of the spouse who has the obligation to make instalment or delayed payments, the court may, on motion, vary the order, but shall not vary the amount to which the court found the spouse to be entitled under this Part.

Ten year period

(4) Subsections (3) and 2 (8) (extension of times) do not permit the postponement of payment beyond the ten year period mentioned in clause (1) (c).

Determination of questions of title between spouses

**10.—**(1) A person may apply to the court for the determination of a question between that person and his or her spouse or former spouse as to the ownership or right to possession of particular property, other than a question arising out of an equalization of net family properties under section 5, and the court may,

- (a) declare the ownership or right to possession;
- (b) if the property has been disposed of, order payment in compensation for the interest of either party;
- (c) order that the property be partitioned or sold for the purpose of realizing the interests in it; and
- (d) order that either or both spouses give security, including a charge on property, for the performance of an obligation imposed by the order,

and may make ancillary orders or give ancillary directions.

Estates

(2) An application based on subsection (1) may be made by or continued against the estate of a deceased spouse.

Operating business or farm

**11.—**(1) An order made under section 9 or 10 shall not be made so as to require or result in the sale of an operating business or farm or so as to seriously impair its operation, unless there is no reasonable alternative method of satisfying the award.

Idem

(2) To comply with subsection (1), the court may,

- b) permette l'inspection ou l'examen, par l'autre conjoint ou en son nom, d'un bien particulier, selon ce qu'ordonne le tribunal.

(3) Si le tribunal est convaincu que la situation du conjoint tenu de faire des versements échelonnés ou différés a changé de façon importante, le tribunal peut, à la suite d'une motion, modifier l'ordonnance. Toutefois, il ne modifie pas le montant auquel le tribunal a décidé que le conjoint a droit en vertu de la présente partie. Modification

(4) Les paragraphes (3) et 2 (8) (prorogation des délais) n'autorisent pas qu'un versement soit différé au-delà de la période de dix ans visée à l'alinéa (1) c). Période de dix ans

**10** (1) Une personne peut, par voie de requête contre le conjoint ou l'ancien conjoint, demander au tribunal de régler une question relative à la propriété ou au droit à la possession d'un bien précis, à l'exception d'une question résultant de l'égalisation des biens familiaux nets en vertu de l'article 5. Le tribunal peut prendre les mesures suivantes : Règlement de questions relatives à la propriété

- a) déclarer qui est propriétaire du bien ou a droit à sa possession;
- b) si le bien a été aliéné, ordonner un versement compensatoire;
- c) ordonner le partage ou la vente du bien en vue de la réalisation des droits des parties;
- d) ordonner que les conjoints ou l'un d'eux donnent une sûreté, y compris une charge sur un bien, pour garantir l'exécution de l'obligation qu'impose l'ordonnance.

Le tribunal peut aussi rendre des ordonnances ou donner des directives accessoires.

(2) La requête fondée sur le paragraphe (1) peut être présentée par la succession du conjoint décédé ou continuée contre elle. Successions

**11** (1) L'ordonnance prévue à l'article 9 ou 10 n'est pas rendue si elle a pour effet d'exiger ou d'entraîner la vente d'un commerce ou d'une ferme faisant l'objet d'une exploitation ou de compromettre sérieusement cette exploitation, à moins qu'il n'existe aucune autre façon d'exécuter le jugement. Commerce ou ferme faisant l'objet d'une exploitation

(2) En vue de respecter le paragraphe (1), le tribunal peut prendre les mesures suivantes : Idem

- (a) order that one spouse pay to the other a share of the profits from the business or farm; and
- (b) if the business or farm is incorporated, order that one spouse transfer or have the corporation issue to the other shares in the corporation.

Orders for  
preservation

**12.** In an application under section 7 or 10, if the court considers it necessary for the protection of the other spouse's interests under this Part, the court may make an interim or final order,

- (a) restraining the depletion of a spouse's property; and
- (b) for the possession, delivering up, safekeeping and preservation of the property.

Variation  
and  
realization  
of security

**13.** If the court has ordered security or charged a property with security for the performance of an obligation under this Part, the court may, on motion,

- (a) vary or discharge the order; or
- (b) on notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge.

Presumptions

**14.** The rule of law applying a presumption of a resulting trust shall be applied in questions of the ownership of property between husband and wife, as if they were not married, except that,

- (a) the fact that property is held in the name of spouses as joint tenants is *prima facie* proof that the spouses are intended to own the property as joint tenants; and
- (b) money on deposit in the name of both spouses shall be deemed to be in the name of the spouses as joint tenants for the purposes of clause (a).

Conflict  
of laws

**15.** The property rights of spouses arising out of the marital relationship are governed by the internal law of the place where both spouses had their last common habitual residence or, if there is no place where the spouses had a common habitual residence, by the law of Ontario.

- a) ordonner à un conjoint de verser à l'autre une partie des bénéfices provenant du commerce ou de la ferme;
- b) si le commerce ou la ferme est constitué en personne morale, ordonner à un conjoint qu'il transfère à l'autre des actions dans la personne morale ou qu'il fasse en sorte que celle-ci émette des actions au profit de l'autre conjoint.

**12** À la suite d'une requête présentée en vertu de l'article 7 ou 10, le tribunal peut, s'il le juge nécessaire en vue de protéger les droits de l'autre conjoint en vertu de la présente partie, rendre une ordonnance provisoire ou définitive pour :

Ordonnance pour conserver les biens

- a) d'une part, interdire la dilapidation des biens du conjoint;
- b) d'autre part, assurer la possession, la remise, la bonne garde et la conservation des biens.

**13** Si le tribunal a ordonné qu'une sûreté soit fournie pour garantir l'exécution d'une obligation en vertu de la présente partie ou qu'un bien soit grevé à cet effet, il peut, à la suite d'une motion :

Modification de l'ordonnance et réalisation de la sûreté

- a) ou bien modifier l'ordonnance ou en donner mainlevée;
- b) ou bien, après que toutes les personnes qui ont un droit sur le bien ont été avisées, ordonner la vente du bien afin de réaliser la sûreté ou la charge.

**14** La règle de droit appliquant une présomption de fiducie au profit éventuel de son auteur s'applique aux questions relatives à la propriété d'un bien entre les deux conjoints comme s'ils n'étaient pas mariés, sous réserve des exceptions suivantes :

Présomptions

- a) le fait qu'un bien soit détenu au nom des conjoints en copropriété avec gain de survie constitue une preuve *prima facie* que les conjoints ont l'intention d'avoir un tel droit de propriété sur ce bien;
- b) pour l'application de l'alinéa a), les dépôts au nom des deux conjoints sont réputés des dépôts de copropriétaires avec gain de survie.

**15** Les droits de propriété des conjoints qui résultent de la relation matrimoniale sont régis par le droit interne du lieu où les conjoints avaient leur dernière résidence habituelle commune ou, à défaut, par la loi de l'Ontario.

Conflit des lois

Application  
of Part

**16.**—(1) This Part applies to property owned by spouses,

- (a) whether they were married before or after this Act comes into force; and
- (b) whether the property was acquired before or after this Act comes into force.

Application  
of s. 14

(2) Section 14 applies whether the event giving rise to the presumption occurred before or after this Act comes into force.



**16** (1) La présente partie s'applique au bien qui appartient aux conjoints : Champ d'application de la présente partie

- a) que ceux-ci se soient mariés avant ou après l'entrée en vigueur de la présente loi;
- b) que le bien ait été acquis avant ou après l'entrée en vigueur de la présente loi.

(2) L'article 14 s'applique que l'événement donnant lieu à la présomption se soit produit avant ou après l'entrée en vigueur de la présente loi. Champ d'application de l'art. 14

## PART II

## MATRIMONIAL HOME

## Definitions

**17.** In this Part,

“tribunal”

“court” means a court as defined in subsection 1 (1) but does not include the Provincial Court (Family Division);

“bien”

“property” means real or personal property.

Matrimonial  
home

**18.**—(1) Every property in which a person has an interest and that is or, if the spouses have separated, was at the time of separation ordinarily occupied by the person and his or her spouse as their family residence is their matrimonial home.

Ownership  
of shares

(2) The ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to occupy a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection (1).

Residence on  
farmland,  
etc.

(3) If property that includes a matrimonial home is normally used for a purpose other than residential, the matrimonial home is only the part of the property that may reasonably be regarded as necessary to the use and enjoyment of the residence.

Possession of  
matrimonial  
home

**19.**—(1) Both spouses have an equal right to possession of a matrimonial home.

Idem

(2) When only one of the spouses has an interest in a matrimonial home, the other spouse's right of possession,

(a) is personal as against the first spouse; and

(b) ends when they cease to be spouses, unless a separation agreement or court order provides otherwise.

Designation  
of  
matrimonial  
home

**20.**—(1) One or both spouses may designate property owned by one or both of them as a matrimonial home, in the form prescribed by the regulations made under this Act.

Contiguous  
property

(2) The designation may include property that is described in the designation and is contiguous to the matrimonial home.

## PARTIE II

## FOYER CONJUGAL

**17** Les définitions qui suivent s'appliquent à la présente partie. Définitions

«bien» Bien meuble ou immeuble. «property»

«tribunal» Tribunal au sens du paragraphe 1 (1) à l'exclusion de la Cour provinciale (Division de la famille). «court»

**18** (1) Le bien sur lequel une personne a un droit et qui est ou, si les conjoints sont séparés, était ordinairement occupé au moment de la séparation par cette personne et son conjoint à titre de résidence familiale constitue leur foyer conjugal. Foyer conjugal

(2) Pour l'application du paragraphe (1), la propriété d'une ou de plusieurs actions ou d'un droit sur une ou plusieurs actions d'une personne morale accordant au titulaire le droit d'occuper un logement qui appartient à la personne morale est réputée un droit sur le logement. Propriété d'actions

(3) Si le bien qui comprend le foyer conjugal sert habituellement à une fin autre que résidentielle, le foyer conjugal n'est que la partie du bien qui est raisonnablement jugée nécessaire à la jouissance normale de la résidence. La ferme est une résidence, etc.

**19** (1) Les conjoints ont un droit égal en ce qui concerne la possession d'un foyer conjugal. Possession du foyer conjugal

(2) Si un seul des conjoints détient un droit de propriété sur un foyer conjugal, le droit de possession que possède l'autre conjoint : Idem

a) est personnel aux conjoints;

b) s'éteint lorsque les conjoints perdent cette qualité, sauf ordonnance contraire du tribunal ou sauf si un accord de séparation prévoit autrement.

**20** (1) Un conjoint, ou les deux, peut désigner un bien qui appartient à l'un d'eux ou aux deux comme foyer conjugal, dans la forme prescrite par les règlements pris en application de la présente loi. Désignation du foyer conjugal

(2) La désignation peut comprendre un bien qui est décrit dans la désignation et qui est contigu au foyer conjugal. Bien contigu

Registration (3) The designation may be registered in the proper land registry office.

Effect of designation by both spouses (4) On the registration of a designation made by both spouses, any other property that is a matrimonial home under section 18 but is not designated by both spouses ceases to be a matrimonial home.

Effect of designation by one spouse (5) On the registration of a designation made by one spouse only, any other property that is a matrimonial home under section 18 remains a matrimonial home.

Cancellation of designation (6) The designation of a matrimonial home is cancelled, and the property ceases to be a matrimonial home, on the registration or deposit of,

- (a) a cancellation, executed by the person or persons who made the original designation, in the form prescribed by the regulations made under this Act;
- (b) a decree absolute of divorce or judgment of nullity;
- (c) an order under clause 23 (e) cancelling the designation; or
- (d) proof of death of one of the spouses.

Revival of other matrimonial homes (7) When a designation of a matrimonial home made by both spouses is cancelled, section 18 applies again in respect of other property that is a matrimonial home.

Alienation of matrimonial home **21.**—(1) No spouse shall dispose of or encumber an interest in a matrimonial home unless,

- (a) the other spouse joins in the instrument or consents to the transaction;
- (b) the other spouse has released all rights under this Part by a separation agreement;
- (c) a court order has authorized the transaction or has released the property from the application of this Part; or
- (d) the property is not designated by both spouses as a matrimonial home and a designation of another

(3) La désignation peut être enregistrée au bureau d'enregistrement immobilier compétent.

Enregistrement

(4) À l'enregistrement d'une désignation faite par les deux conjoints, tout autre bien qui est un foyer conjugal en vertu de l'article 18 mais qui n'est pas désigné par les deux conjoints cesse d'être un foyer conjugal.

Effet de la désignation par les deux conjoints

(5) À l'enregistrement d'une désignation faite par un seul conjoint, tout autre bien qui est un foyer conjugal en vertu de l'article 18 demeure un foyer conjugal.

Effet de la désignation par un seul conjoint

(6) La désignation d'un foyer conjugal est annulée et le bien cesse d'être un foyer conjugal à l'enregistrement ou au dépôt de l'un des actes suivants :

Annulation de la désignation

- a) une annulation, signée par la ou les personnes qui ont fait la désignation originale, dans la forme prescrite par les règlements pris en application de la présente loi;
- b) un jugement définitif de divorce ou un jugement de nullité;
- c) une ordonnance rendue en vertu de l'alinéa 23 e) annulant la désignation;
- d) la preuve du décès de l'un des conjoints.

(7) Si la désignation d'un foyer conjugal faite par les deux conjoints est annulée, l'article 18 s'applique de nouveau à l'égard de tout autre bien qui est un foyer conjugal.

Nouvelle application de l'art. 18

**21** (1) Aucun conjoint n'aliène ni ne grève un droit sur un foyer conjugal à moins que soit réalisée l'une des conditions suivantes :

Aliénation du foyer conjugal

- a) l'autre conjoint est partie à l'acte ou consent à l'opération;
- b) l'autre conjoint a renoncé, au moyen d'un accord de séparation, à tous les droits que lui reconnaît la présente partie;
- c) une ordonnance du tribunal a autorisé l'opération ou a libéré le bien de l'application de la présente partie;
- d) le bien n'est pas désigné par les deux conjoints comme foyer conjugal et un acte désignant un autre

property as a matrimonial home, made by both spouses, is registered and not cancelled.

Setting  
aside  
transaction

(2) If a spouse disposes of or encumbers an interest in a matrimonial home in contravention of subsection (1), the transaction may be set aside on an application under section 23, unless the person holding the interest or encumbrance at the time of the application acquired it for value, in good faith and without notice, at the time of acquiring it or making an agreement to acquire it, that the property was a matrimonial home.

Proof that  
property not  
a  
matrimonial  
home

(3) For the purpose of subsection (2), a statement by the person making the disposition or encumbrance,

- (a) verifying that he or she is not, or was not, a spouse at the time of the disposition or encumbrance;
- (b) verifying that the person is a spouse who is not separated from his or her spouse and that the property is not ordinarily occupied by the spouses as their family residence;
- (c) verifying that the person is a spouse who is separated from his or her spouse and that the property was not ordinarily occupied by the spouses, at the time of their separation, as their family residence;
- (d) where the property is not designated by both spouses as a matrimonial home, verifying that a designation of another property as a matrimonial home, made by both spouses, is registered and not cancelled; or
- (e) verifying that the other spouse has released all rights under this Part by a separation agreement,

shall, unless the person to whom the disposition or encumbrance is made had notice to the contrary, be deemed to be sufficient proof that the property is not a matrimonial home.

Idem,  
attorney's  
personal  
knowledge

(4) The statement shall be deemed to be sufficient proof that the property is not a matrimonial home if it is made by the attorney of the person making the disposition or encumbrance, on the basis of the attorney's personal knowledge.

Liens  
arising by  
operation  
of law  
R.S.O. 1980,  
c. 234

(5) This section does not apply to the acquisition of an interest in property by operation of law or to the acquisition of a lien under section 18 of the *Legal Aid Act*.



bien comme foyer conjugal, fait par les deux conjoints, est enregistré et n'est pas annulé.

(2) Si un conjoint aliène ou grève un droit sur un foyer conjugal en contravention avec le paragraphe (1), l'opération peut être annulée à la suite d'une requête présentée en vertu de l'article 23, sauf si la personne qui détient le droit ou la sûreté au moment de la requête l'a acquis contre valeur, de bonne foi et sans connaissance, au moment de l'acquisition ou de l'accord en vue de l'acquérir, du fait que le bien était un foyer conjugal.

Annulation  
de l'opération

(3) Pour l'application du paragraphe (2), est réputé une preuve suffisante que le bien n'est pas un foyer conjugal la déclaration de la personne aliénant le bien ou donnant la sûreté qui, selon le cas :

Preuve qu'un  
bien n'est pas  
un foyer  
conjugal

- a) atteste que la personne n'est pas, ou n'était pas, un conjoint au moment où l'aliénation a été faite ou la sûreté donnée;
- b) atteste que la personne est un conjoint qui n'est pas séparé d'avec l'autre conjoint et que les deux conjoints n'occupent ordinairement pas ce bien à titre de résidence familiale;
- c) atteste que la personne est un conjoint qui est séparé d'avec l'autre conjoint et que les conjoints n'occupaient ordinairement pas ce bien, au moment de leur séparation, à titre de résidence familiale;
- d) atteste, si le bien n'est pas désigné par les deux conjoints comme foyer conjugal, qu'un acte de désignation d'un autre bien comme foyer conjugal, fait par les deux conjoints, est enregistré et n'est pas annulé;
- e) atteste que l'autre conjoint a renoncé, au moyen d'un accord de séparation, à tous les droits que lui reconnaît la présente partie,

sauf si la personne en faveur de laquelle l'aliénation est faite ou la sûreté donnée avait une connaissance du contraire.

(4) La déclaration est réputée une preuve suffisante que le bien n'est pas un foyer conjugal si elle est faite par le procureur de la personne qui aliène ou grève le bien, sur la foi de ce que le procureur sait directement.

Idem, con-  
naissance  
directe du  
procureur

(5) Le présent article n'empêche pas l'acquisition d'un droit sur un bien par l'opération de la loi ni d'un privilège en vertu de l'article 18 de la *Loi sur l'aide juridique*.

Droits légaux

L.R.O. 1980,  
chap. 234

Right of redemption and to notice

**22.**—(1) When a person proceeds to realize upon a lien, encumbrance or execution or exercises a forfeiture against property that is a matrimonial home, the spouse who has a right of possession under section 19 has the same right of redemption or relief against forfeiture as the other spouse and is entitled to the same notice respecting the claim and its enforcement or realization.

Service of notice

(2) A notice to which a spouse is entitled under subsection (1) shall be deemed to be sufficiently given if served or given personally or by registered mail addressed to the spouse at his or her usual or last known address or, if none, the address of the matrimonial home, and, if notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

Idem: power of sale

(3) When a person exercises a power of sale against property that is a matrimonial home, sections 32 and 33 of the *Mortgages Act* apply and subsection (2) does not apply.

R.S.O. 1980, c. 296

Payments by spouse

(4) If a spouse makes a payment in exercise of the right conferred by subsection (1), the payment shall be applied in satisfaction of the claim giving rise to the lien, encumbrance, execution or forfeiture.

Realization may continue in spouse's absence

(5) Despite any other Act, when a person who proceeds to realize upon a lien, encumbrance or execution or exercises a forfeiture does not have sufficient particulars of a spouse for the purpose and there is no response to a notice given under subsection (2) or under section 32 of the *Mortgages Act*, the realization or exercise of forfeiture may continue in the absence and without regard to the interest of the spouse and the spouse's rights under this section end on the completion of the realization or forfeiture.

R.S.O. 1980, c. 296

Powers of court respecting alienation

**23.** The court may, on the application of a spouse or person having an interest in property, by order,

- (a) determine whether or not the property is a matrimonial home and, if so, its extent;
- (b) authorize the disposition or encumbrance of the matrimonial home if the court finds that the spouse whose consent is required,
  - (i) cannot be found or is not available,

**22** (1) Si une personne procède à la réalisation d'un privilège ou d'une sûreté sur un bien qui est un foyer conjugal, pratique une saisie-exécution du bien ou invoque une déchéance s'y rapportant, le conjoint qui détient un droit de possession en vertu de l'article 19 détient le même droit de rachat ou le même droit d'être relevé de la déchéance que l'autre conjoint, ainsi que le droit de recevoir les mêmes avis relatifs à la demande et à son exécution ou à sa réalisation.

Droit de rachat et droit de recevoir des avis

(2) L'avis auquel un conjoint a droit en vertu du paragraphe (1) est réputé valablement donné s'il est signifié ou remis à personne ou par courrier recommandé adressé au destinataire, à son adresse habituelle ou à sa dernière adresse connue ou, à défaut, à l'adresse du foyer conjugal. Si l'avis est signifié ou remis par la poste, la signification est réputée effectuée le cinquième jour suivant l'envoi de l'avis.

Signification de l'avis

(3) Si une personne exerce son pouvoir de vente d'un bien qui est un foyer conjugal, les articles 32 et 33 de la *Loi sur les hypothèques* s'appliquent et le paragraphe (2) ne s'applique pas.

Idem : pouvoir de vente  
L.R.O. 1980, chap. 296

(4) Si un conjoint fait un paiement en exercice du droit reconnu au paragraphe (1), ce paiement est imputé à la demande qui donne lieu au privilège, à la sûreté, à la saisie-exécution ou à la déchéance.

Paiement fait par un conjoint

(5) Malgré toute autre loi, si une personne qui procède à la réalisation d'un privilège ou d'une sûreté, pratique une saisie-exécution ou invoque une déchéance n'a pas de renseignements suffisants sur un conjoint pour agir à ces fins et qu'un avis donné en vertu du paragraphe (2) ou en vertu de l'article 32 de la *Loi sur les hypothèques* demeure sans réponse, la réalisation, la saisie-exécution ou l'invocation de la déchéance peuvent se poursuivre en l'absence du conjoint et sans tenir compte de ses droits. Les droits du conjoint prévus par le présent article prennent fin suite à la terminaison de la réalisation, de la saisie-exécution ou de la déchéance.

Réalisation en l'absence du conjoint

L.R.O. 1980, chap. 296

**23** À la suite de la requête d'un conjoint ou d'une personne ayant un droit sur un bien, le tribunal peut, par ordonnance :

Pouvoirs du tribunal relatifs à l'aliénation

- a) établir si le bien est un foyer conjugal et, en ce cas, dans quelle mesure;
- b) autoriser que le foyer conjugal soit aliéné ou grevé si le tribunal conclut que le conjoint dont le consentement est nécessaire, selon le cas :

(i) est introuvable ou n'est pas disponible,

(ii) is not capable of giving or withholding consent, or

(iii) is unreasonably withholding consent,

subject to any conditions, including provision of other comparable accommodation or payment in place of it, that the court considers appropriate;

- (c) dispense with a notice required to be given under section 22;
- (d) direct the setting aside of a transaction disposing of or encumbering an interest in the matrimonial home contrary to subsection 21 (1) and the revesting of the interest or any part of it on the conditions that the court considers appropriate; and
- (e) cancel a designation made under section 20 if the property is not a matrimonial home.

Order for  
possession of  
matrimonial  
home

**24.—**(1) Regardless of the ownership of a matrimonial home and its contents, and despite section 19 (spouse's right of possession), the court may on application, by order,

- (a) provide for the delivering up, safekeeping and preservation of the matrimonial home and its contents;
- (b) direct that one spouse be given exclusive possession of the matrimonial home or part of it for the period that the court directs and release other property that is a matrimonial home from the application of this Part;
- (c) direct a spouse to whom exclusive possession of the matrimonial home is given to make periodic payments to the other spouse;
- (d) direct that the contents of the matrimonial home, or any part of them,
  - (i) remain in the home for the use of the spouse given possession, or
  - (ii) be removed from the home for the use of a spouse or child;
- (e) order a spouse to pay for all or part of the repair and maintenance of the matrimonial home and of other liabilities arising in respect of it, or to make

- (ii) est incapable de donner ou de refuser son consentement,
  - (iii) refuse son consentement sans motif valable,
- sous réserve des conditions, y compris la fourniture d'un logement comparable ou d'un paiement qui en tient lieu, que le tribunal juge appropriées;
- c) dispenser de l'obligation de donner l'avis visé à l'article 22;
  - d) annuler l'opération qui aliène ou grève un droit sur le foyer conjugal si elle contrevient au paragraphe 21 (1), et ordonner le retour, même partiel, du droit transféré, aux conditions que le tribunal juge appropriées;
  - e) annuler une désignation faite en vertu de l'article 20 si le bien n'est pas un foyer conjugal.

**24** (1) Sans égard à la propriété d'un foyer conjugal et à son contenu et malgré l'article 19 (droit de possession du conjoint), le tribunal peut, à la suite d'une requête, par ordonnance :

Ordonnance relative à la possession du foyer conjugal

- a) prévoir la remise, la bonne garde et la conservation du foyer conjugal et de son contenu;
- b) attribuer à un conjoint, pour la durée que le tribunal précise, la possession exclusive du foyer conjugal, même en partie, et libérer un autre bien qui est un foyer conjugal de l'application de la présente partie;
- c) exiger que le conjoint à qui est attribuée la possession exclusive du foyer conjugal fasse des paiements périodiques à l'autre conjoint;
- d) exiger que le contenu du foyer conjugal, ou une partie du contenu :
  - (i) reste dans le foyer pour être utilisé par le conjoint attributaire,
  - (ii) soit enlevé du foyer pour être utilisé par un conjoint ou un enfant;
- e) exiger qu'un conjoint paie la totalité ou une partie des réparations et des dépenses d'entretien du foyer conjugal et des autres dépenses qui s'y rapportent.

periodic payments to the other spouse for those purposes;

- (f) authorize the disposition or encumbrance of a spouse's interest in the matrimonial home, subject to the other spouse's right of exclusive possession as ordered; and

- (2) where a false statement is made under subsection 21 (3), direct,
  - (i) the person who made the false statement, or
  - (ii) a person who knew at the time he or she acquired an interest in the property that the statement was false and afterwards conveyed the interest.

to substitute other real property for the matrimonial home, or direct the person to set aside money or security to stand in place of it, subject to any conditions that the court considers appropriate.

Temporary  
or interim  
order

- (2) The court may, on motion, make a temporary or interim order under clause (1) (a), (b), (c), (d) or (e).

Order for  
exclusive  
possession:  
criteria

- (3) In determining whether to make an order for exclusive possession, the court shall consider,

- (a) the best interests of the children affected;
- (b) any existing orders under Part I (Family Property) and any existing support orders;
- (c) the financial position of both spouses;
- (d) any written agreement between the parties;
- (e) the availability of other suitable and affordable accommodation; and
- (f) any violence committed by a spouse against the other spouse or the children.

Best  
interests  
of child

- (4) In determining the best interests of a child, the court shall consider,

- (a) the possible disruptive effects on the child of a move to other accommodation; and



ou fasse des paiements périodiques à cette fin à l'autre conjoint;

- f) autoriser que le droit d'un conjoint sur le foyer conjugal soit aliéné ou grevé, sous réserve du droit de possession exclusive du conjoint attributaire;
- g) si une déclaration donnée en vertu du paragraphe 21 (3) est fausse, ordonner :
  - (i) ou bien à la personne qui a fait la fausse déclaration,
  - (ii) ou bien à la personne qui savait à l'époque à laquelle elle a acquis un droit sur le bien que la déclaration était fausse et a cédé le droit par la suite,

de substituer au foyer conjugal un autre bien immeuble ou de constituer une somme ou des garanties qui en tiennent lieu, sous réserve des conditions que le tribunal juge appropriées.

(2) À la suite d'une motion, le tribunal peut rendre une ordonnance temporaire ou provisoire en vertu de l'alinéa (1) a), b), c), d) ou e).

Ordonnance temporaire ou provisoire

(3) Lorsqu'il étudie s'il doit rendre une ordonnance de possession exclusive, le tribunal examine les points suivants :

Critères relatifs à l'ordonnance de possession exclusive

- a) l'intérêt véritable des enfants en cause;
- b) les ordonnances existantes en vertu de la partie I (Biens familiaux) et les ordonnances alimentaires existantes;
- c) la situation financière des deux conjoints;
- d) tout accord écrit intervenu entre les parties;
- e) la disponibilité d'autres logements convenables et abordables;
- f) toute violence commise par un conjoint contre l'autre conjoint ou contre les enfants.

(4) Lorsqu'il détermine ce qui est dans l'intérêt véritable de l'enfant, le tribunal examine les points suivants :

Intérêt véritable de l'enfant

- a) l'effet perturbateur qu'un déménagement pourrait avoir sur l'enfant;

- (b) the child's views and preferences, if they can reasonably be ascertained.

**Offence**

(5) A person who contravenes an order for exclusive possession is guilty of an offence and upon conviction is liable.

- (a) in the case of a first offence, to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both; and
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000 or to imprisonment for a term of not more than two years, or to both.

**Arrest without warrant**

(6) A police officer may arrest without warrant a person the police officer believes on reasonable and probable grounds to have contravened an order for exclusive possession.

**Existing orders**

R.S.O. 1980, c. 152

(7) Subsections (5) and (6) also apply in respect of contraventions, committed after this Act comes into force, of orders for exclusive possession made under Part III of the *Family Law Reform Act*.

**Variation of possessory order**

**25.**—(1) On the application of a person named in an order made under clause 24 (1) (a), (b), (c), (d) or (e) or his or her personal representative, if the court is satisfied that there has been a material change in circumstances, the court may discharge, vary or suspend the order.

**Variation of conditions of sale**

(2) On the motion of a person who is subject to conditions imposed in an order made under clause 23 (b) or (d) or 24 (1) (g), or his or her personal representative, if the court is satisfied that the conditions are no longer appropriate, the court may discharge, vary or suspend them.

**Existing orders**

R.S.O. 1980, c. 152

(3) Subsections (1) and (2) also apply to orders made under the corresponding provisions of Part III of the *Family Law Reform Act*.

**Joint tenancy in matrimonial home**

**26.**—(1) If a spouse dies owning an interest in a matrimonial home as a joint tenant with a third person and not with the other spouse, the joint tenancy shall be deemed to have been severed immediately before the time of death.

- b) l'opinion et les préférences de l'enfant, si celles-ci peuvent être suffisamment déterminées.

(5) Quiconque enfreint une ordonnance de possession exclusive est coupable d'une infraction et passible, sur déclaration de culpabilité :

Infraction

- a) dans le cas d'une première infraction, d'une amende d'au plus 1 000 \$ et d'une peine d'emprisonnement d'au plus trois mois, ou d'une seule de ces peines;
- b) dans le cas d'une deuxième infraction ou d'une infraction subséquente, d'une amende d'au plus 10 000 \$ et d'une peine d'emprisonnement d'au plus deux ans, ou d'une seule de ces peines.

(6) Un policier qui croit, en se fondant sur des motifs raisonnables et probables, qu'une personne a enfreint une ordonnance de possession exclusive peut arrêter cette personne sans mandat.

Arrestation  
sans mandat

(7) Les paragraphes (5) et (6) s'appliquent également en ce qui concerne les infractions, commises après l'entrée en vigueur de la présente loi, aux ordonnances de possession exclusive rendues en vertu de la partie III de la *Loi portant réforme du droit de la famille*.

Ordonnances  
existantes

L.R.O. 1980,  
chap. 152

**25** (1) À la suite de la requête présentée par la personne nommée dans l'ordonnance rendue en vertu de l'alinéa 24 (1) a), b), c), d) ou e) ou par son représentant successoral, le tribunal peut, s'il est convaincu que la situation a changé de façon importante, modifier ou suspendre l'ordonnance ou en donner mainlevée.

Modification  
de l'ordon-  
nance de  
possession  
exclusive

(2) À la suite de la motion présentée par une personne qui est soumise aux conditions qu'impose une ordonnance rendue en vertu de l'alinéa 23 b) ou d) ou 24 (1) g) ou par son représentant successoral, le tribunal peut, s'il est convaincu que les conditions ne sont plus appropriées, les modifier, les suspendre ou les supprimer.

Modification  
des conditions

(3) Les paragraphes (1) et (2) s'appliquent également aux ordonnances rendues en vertu des dispositions correspondantes de la partie III de la *Loi portant réforme du droit de la famille*.

Ordonnances  
existantes

L.R.O. 1980,  
chap. 152

**26** (1) Si, à son décès, un conjoint est propriétaire d'un droit sur un foyer conjugal en copropriété avec gain de survie avec un tiers et non avec son conjoint, le gain de survie est réputé avoir été aboli immédiatement avant le moment du décès.

Propriété du  
foyer conjugal

Sixty day  
period after  
spouse's  
death

(2) Despite clauses 19 (2) (a) and (b) (termination of spouse's right of possession), a spouse who has no interest in a matrimonial home but is occupying it at the time of the other spouse's death, whether under an order for exclusive possession or otherwise, is entitled to retain possession against the spouse's estate, rent free, for sixty days after the spouse's death.

Registration  
of order  
R.S.O. 1980,  
cc. 152, 445,  
230

**27.** Orders made under this Part or under Part III of the *Family Law Reform Act* are registrable against land under the *Registry Act* and the *Land Titles Act*.

Application  
of Part

**28.**—(1) This Part applies to matrimonial homes that are situated in Ontario.

Idem

(2) This Part applies,

- (a) whether the spouses were married before or after this Act comes into force; and
- (b) whether the matrimonial home was acquired before or after this Act comes into force.

(2) Malgré les alinéas 19 (2) a) et b) (fin du droit de possession du conjoint), le conjoint qui ne détient aucun droit de propriété sur un foyer conjugal mais qui l'occupe au moment du décès de l'autre conjoint, que ce soit en vertu d'une ordonnance de possession exclusive ou autrement, a le droit de conserver la possession du foyer conjugal contre la succession du conjoint, sans devoir payer de loyer, pendant soixante jours à partir du décès du conjoint.

Période de  
soixante jours  
après le  
décès du  
conjoint

**27** Les ordonnances rendues en vertu de la présente partie ou en vertu de la partie III de la *Loi portant réforme du droit de la famille* sont susceptibles d'enregistrement sur un bien-fonds aux termes de la *Loi sur l'enregistrement des actes* et de la *Loi sur l'enregistrement des droits immobiliers*.

Enregistre-  
ment de l'or-  
donnance  
L.R.O. 1980,  
chap. 152,  
445 et 230

**28** (1) La présente partie s'applique aux foyers conjugaux situés en Ontario.

Champ d'ap-  
plication  
de la partie

(2) La présente partie s'applique :

Idem

- a) que les conjoints se soient mariés avant ou après l'entrée en vigueur de la présente loi;
- b) que le foyer conjugal ait été acquis avant ou après l'entrée en vigueur de la présente loi.

## PART III

## SUPPORT OBLIGATIONS

## Definitions

**29.** In this Part,

“personne à charge”

“dependant” means a person to whom another has an obligation to provide support under this Part;

“conjoint”

“spouse” means a spouse as defined in subsection 1 (1), and in addition includes either of a man and woman who are not married to each other and have cohabited,

(a) continuously for a period of not less than three years, or

(b) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

Obligation of spouses for support

**30.** Every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so.

Obligation of parent to support child

**31.—**(1) Every parent has an obligation to provide support, in accordance with need, for his or her unmarried child who is a minor or is enrolled in a full time program of education, to the extent that the parent is capable of doing so.

Idem

(2) The obligation under subsection (1) does not extend to a child who is sixteen years of age or older and has withdrawn from parental control.

Obligation of child to support parent

**32.** Every child who is not a minor has an obligation to provide support, in accordance with need, for his or her parent who has cared for or provided support for the child, to the extent that the child is capable of doing so.

Order for support

**33.—**(1) A court may, on application, order a person to provide support for his or her dependants and determine the amount of support.

Applicants

(2) An application for an order for the support of a dependant may be made by the dependant or the dependant's parent.

Idem

(3) An application for an order for the support of a dependant who is the respondent's spouse or child may also be made by one of the following agencies:



## PARTIE III

## OBLIGATIONS ALIMENTAIRES

**29** Les définitions qui suivent s'appliquent à la présente partie. Définitions

«conjoint» S'entend au sens du paragraphe 1 (1). Sont également compris l'homme et la femme qui ne sont pas mariés ensemble et qui ont cohabité, selon le cas : «spouse»

a) de façon continue depuis au moins trois ans;

b) dans une relation d'une certaine permanence, s'ils sont les parents naturels ou adoptifs d'un enfant.

«personne à charge» Personne à qui une autre personne est tenue de fournir des aliments en vertu de la présente partie. «dependant»

**30** Chaque conjoint est tenu de subvenir à ses propres besoins et à ceux de son conjoint, dans la mesure de ses capacités et des besoins. Obligation alimentaire des conjoints

**31** (1) Le père et la mère sont tenus de fournir des aliments à leur enfant non marié qui est mineur ou qui suit un programme d'études à temps plein, dans la mesure de leurs capacités et des besoins. Obligation alimentaire du père et de la mère

(2) L'obligation prévue au paragraphe (1) ne s'applique pas à l'enfant de seize ans ou plus qui s'est soustrait à l'autorité parentale. Idem

**32** L'enfant majeur est tenu de fournir des aliments à son père ou à sa mère qui a pris soin de lui ou lui a fourni des aliments, dans la mesure de ses capacités et des besoins. Obligation alimentaire de l'enfant

**33** (1) Le tribunal peut, à la suite d'une requête, ordonner à une personne de fournir des aliments à ses personnes à charge, et fixer le montant de ces aliments. Ordonnance alimentaire

(2) La requête relative à une ordonnance alimentaire à l'égard d'une personne à charge peut être présentée par la personne à charge ou le père ou la mère de la personne à charge. Requérants

(3) La requête relative à une ordonnance alimentaire à l'égard d'une personne à charge qui est le conjoint ou l'enfant de l'intimé peut également être présentée par l'un des organismes suivants : Idem

- (a) the Ministry of Community and Social Services in the name of the Minister;
- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;
- (c) a district welfare administration board under the *District Welfare Administration Boards Act*; or
- (d) a band approved under section 15 of the *General Welfare Assistance Act*,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 188

R.S.O. 1980,  
cc. 151, 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant.

Setting aside  
domestic  
contract

(4) The court may set aside a provision for support or a waiver of the right to support in a domestic contract or paternity agreement and may determine and order support in an application under subsection (1) although the contract or agreement contains an express provision excluding the application of this section,

- (a) if the provision for support or the waiver of the right to support results in unconscionable circumstances;
- (b) if the provision for support is in favour of or the waiver is by or on behalf of a dependant who qualifies for an allowance for support out of public money; or
- (c) if there is default in the payment of support under the contract or agreement at the time the application is made.

Adding  
party

(5) In an application the court may, on a respondent's motion, add as a party another person who may have an obligation to provide support to the same dependant.

Idem

(6) In an action in the Supreme Court or District Court, the defendant may add as a third party another person who may have an obligation to provide support to the same dependant.

- a) le ministère des Services sociaux et communautaires, au nom du ministre;
- b) une municipalité, y compris une municipalité de communauté urbaine, de district ou régionale, à l'exception d'une municipalité de secteur;
- c) une commission de district pour l'administration de l'aide sociale en vertu de la *Loi sur les commissions de district pour l'administration de l'aide sociale*;
- d) une bande agréée en vertu de l'article 15 de la *Loi sur l'aide sociale générale*,

L.R.O. 1980,  
chap. 122

L.R.O. 1980,  
chap. 188

si l'organisme accorde ou a accordé une prestation en vertu de la *Loi sur les prestations familiales* ou de l'aide sociale en vertu de la *Loi sur l'aide sociale générale* pour subvenir aux besoins de la personne à charge, ou si une demande en ce sens a été présentée à l'organisme par la personne à charge ou en son nom.

L.R.O. 1980,  
chap. 151 et  
188

(4) Le tribunal peut annuler une disposition alimentaire ou une renonciation au droit à des aliments qui figure dans un contrat familial ou un accord de paternité et il peut ordonner, à la suite d'une requête présentée en vertu du paragraphe (1), que des aliments, dont il fixe le montant, soient versés bien que le contrat ou l'accord contienne une disposition expresse excluant l'application du présent article si, selon le cas :

Annulation  
d'un contrat  
familial

- a) la disposition alimentaire ou la renonciation au droit à des aliments donne lieu à une situation inadmissible;
- b) le bénéficiaire des aliments ou le renonciateur, ou la personne au nom de laquelle une renonciation est faite, est une personne à charge qui remplit les conditions nécessaires pour recevoir des aliments prélevés sur les deniers publics;
- c) la personne qui doit verser des aliments en vertu du contrat ou de l'accord est en défaut lorsque la requête est présentée.

(5) À la suite d'une requête, le tribunal peut, s'il est saisi d'une motion d'un intimé, joindre comme partie une autre personne qui peut être tenue de fournir des aliments à la même personne à charge.

Jonction  
d'une partie

(6) Dans une action devant la Cour suprême ou la Cour de district, le défendeur peut joindre comme tiers mis en cause une autre personne qui peut être tenue de fournir des aliments à la même personne à charge.

Idem

Purposes of  
order for  
support of  
child

(7) An order for the support of a child should,

- (a) recognize that each parent has an obligation to provide support for the child;
- (b) recognize that the obligation of a natural or adoptive parent outweighs the obligation of a parent who is not a natural or adoptive parent; and
- (c) apportion the obligation according to the capacities of the parents to provide support.

Purposes of  
order for  
support of  
spouse

(8) An order for the support of a spouse should,

- (a) recognize the spouse's contribution to the relationship and the economic consequences of the relationship for the spouse;
- (b) share the economic burden of child support equitably;
- (c) make fair provision to assist the spouse to become able to contribute to his or her own support; and
- (d) relieve financial hardship, if this has not been done by orders under Parts I (Family Property) and II (Matrimonial Home).

Determina-  
tion  
of amount

(9) In determining the amount and duration, if any, of support in relation to need, the court shall consider all the circumstances of the parties, including,

- (a) the dependant's and respondent's current assets and means;
- (b) the assets and means that the dependant and respondent are likely to have in the future;
- (c) the dependant's capacity to contribute to his or her own support;
- (d) the respondent's capacity to provide support;
- (e) the dependant's and respondent's age and physical and mental health;
- (f) the dependant's needs, in determining which the court shall have regard to the accustomed standard of living while the parties resided together;

(7) L'ordonnance alimentaire à l'égard d'un enfant devrait :

Buts de l'ordonnance alimentaire à l'égard d'un enfant

- a) reconnaître que le père et la mère sont également tenus de fournir des aliments à l'enfant;
- b) reconnaître que l'obligation des parents naturels ou adoptifs dépasse celle des parents qui ne sont ni parents naturels ni parents adoptifs;
- c) répartir l'obligation entre les parents en fonction de leurs capacités de fournir des aliments.

(8) L'ordonnance alimentaire à l'égard d'un conjoint devrait :

Buts de l'ordonnance d'aliments à l'égard d'un conjoint

- a) reconnaître l'apport du conjoint à l'union et les conséquences économiques de l'union pour le conjoint;
- b) distribuer équitablement le fardeau économique que représentent les aliments à fournir à un enfant;
- c) comprendre des dispositions équitables en vue d'aider le conjoint à devenir capable de subvenir à ses propres besoins;
- d) alléger les difficultés financières, si les ordonnances rendues en vertu de la partie I (Biens familiaux) et de la partie II (Foyer conjugal) ne l'ont pas fait.

(9) Dans le calcul du montant et de la durée des aliments éventuellement dus en fonction des besoins, le tribunal tient compte de la situation globale des parties, notamment des points suivants :

Calcul du montant

- a) les ressources et l'actif actuels de la personne à charge et de l'intimé;
- b) les ressources et l'actif dont disposeront vraisemblablement la personne à charge et l'intimé dans l'avenir;
- c) la capacité de la personne à charge de subvenir à ses propres besoins;
- d) la capacité de l'intimé de fournir des aliments;
- e) l'âge et la santé physique et mentale de la personne à charge et de l'intimé;
- f) les besoins de la personne à charge, compte tenu du niveau de vie habituel lorsque les parties résidaient ensemble;

- (g) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (h) any legal obligation of the respondent or dependant to provide support for another person;
- (i) the desirability of the dependant or respondent remaining at home to care for a child;
- (j) a contribution by the dependant to the realization of the respondent's career potential;
- (k) if the dependant is a child,
  - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
  - (ii) the child's need for a stable environment;
- (l) if the dependant is a spouse,
  - (i) the length of time the dependant and respondent cohabited,
  - (ii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
  - (iii) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
  - (iv) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
  - (v) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse were devoting the time spent in performing that service in remunerative employment and were contributing the earnings to the family's support,
  - (vi) the effect on the spouse's earnings and career development of the responsibility of caring for a child; and



- g) les mesures à la disposition de la personne à charge pour qu'elle devienne capable de subvenir à ses propres besoins, et le temps et l'argent nécessaires à la prise de ces mesures;
- h) toute autre obligation légale pour l'intimé ou la personne à charge de fournir des aliments à une autre personne;
- i) l'opportunité que la personne à charge ou l'intimé reste à la maison pour prendre soin d'un enfant;
- j) l'apport de la personne à charge à la réalisation du potentiel professionnel de l'intimé;
- k) si la personne à charge est un enfant :
  - (i) son aptitude aux études et ses perspectives raisonnables d'y accéder,
  - (ii) son besoin d'un environnement stable;
- l) si la personne à charge est un conjoint :
  - (i) la durée de sa cohabitation avec l'intimé,
  - (ii) l'effet des responsabilités dont le conjoint s'est chargé pendant la cohabitation sur sa capacité de gain,
  - (iii) les soins que le conjoint a pu fournir à un enfant qui a dix-huit ans ou plus et qui est incapable, en raison d'une maladie, d'une invalidité ou pour un autre motif, de se soustraire à la dépendance parentale,
  - (iv) l'aide que le conjoint a pu apporter à la continuation de l'éducation d'un enfant de dix-huit ans ou plus qui est incapable pour cette raison de se soustraire à la dépendance parentale,
  - (v) les travaux ménagers ou domestiques que le conjoint a faits pour la famille, ainsi que les soins donnés aux enfants, comme si le conjoint consacrait ce temps à un emploi rémunéré et apportait les gains de cet emploi au soutien de la famille,
  - (vi) l'effet, sur les gains du conjoint et sur son développement professionnel, de la responsabilité qui consiste à prendre soin d'un enfant;

- (m) any other legal right of the dependant to support, other than out of public money.

**Conduct**

(10) The obligation to provide support for a spouse exists without regard to the conduct of either spouse, but the court may in determining the amount of support have regard to a course of conduct that is so unconscionable as to constitute an obvious and gross repudiation of the relationship.

**Powers of court**

**34.**—(1) In an application under section 33, the court may make an interim or final order,

- (a) requiring that an amount be paid periodically, whether annually or otherwise and whether for an indefinite or limited period, or until the happening of a specified event;
- (b) requiring that a lump sum be paid or held in trust;
- (c) requiring that property be transferred to or in trust for or vested in the dependant, whether absolutely, for life or for a term of years;
- (d) respecting any matter authorized to be ordered under clause 24 (1) (a), (b), (c), (d) or (e) (matrimonial home);
- (e) requiring that some or all of the money payable under the order be paid into court or to another appropriate person or agency for the dependant's benefit;
- (f) requiring that support be paid in respect of any period before the date of the order;
- (g) requiring payment to an agency referred to in subsection 33 (3) of an amount in reimbursement for a benefit or assistance referred to in that subsection, including a benefit or assistance provided before the date of the order;
- (h) requiring payment of expenses in respect of a child's prenatal care and birth;
- (i) requiring that a spouse who has a policy of life insurance as defined in the *Insurance Act* designate the other spouse or a child as the beneficiary irrevocably;

- m) les autres droits alimentaires de la personne à charge, sauf ceux qui seraient prélevés sur les deniers publics.

(10) L'obligation de fournir des aliments à un conjoint existe sans égard à la conduite de l'un ou l'autre conjoint. Toutefois, le tribunal peut, lorsqu'il fixe le montant des aliments, tenir compte d'une conduite tellement inadmissible qu'elle constitue un mépris clair et flagrant de l'union.

Conduite des  
conjointes

**34** (1) Le tribunal saisi d'une requête présentée en vertu de l'article 33 peut rendre une ordonnance provisoire ou définitive portant sur les mesures suivantes :

Pouvoirs du  
tribunal

- a) le versement périodique d'une somme d'argent, notamment chaque année, pour une durée indéterminée ou limitée, ou jusqu'à l'arrivée d'un événement donné;
- b) le versement d'une somme forfaitaire ou la remise d'une telle somme à un fiduciaire;
- c) le transfert, le versement en fiducie ou l'assignation d'un bien en faveur de la personne à charge, en propriété absolue, viagère, ou pour un nombre d'années déterminées;
- d) la prise des dispositions autorisées par l'alinéa 24 (1) a), b), c), d) ou e) (foyer conjugal);
- e) la consignation au tribunal ou le versement, à la personne ou à l'organisme appropriés, de la totalité ou d'une partie de la somme payable en vertu d'une ordonnance, au bénéfice de la personne à charge;
- f) le versement d'aliments relativement à une période antérieure à la date de l'ordonnance;
- g) le versement à un organisme visé au paragraphe 33 (3) d'un montant à titre de remboursement de la prestation ou de l'aide visée à ce paragraphe, y compris une prestation ou une aide accordée avant la date de l'ordonnance;
- h) l'acquittement des frais reliés aux soins prénatals et à la naissance d'un enfant;
- i) la désignation irrévocable, par le conjoint titulaire d'une police d'assurance-vie au sens de la *Loi sur les assurances*, de l'autre conjoint ou d'un enfant comme bénéficiaire;

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chap. 218

- (j) requiring that a spouse who has an interest in a pension plan or other benefit plan designate the other spouse or a child as beneficiary under the plan and not change that designation; and
- (k) requiring the securing of payment under the order, by a charge on property or otherwise.

Limitation on family court's jurisdiction

(2) The Provincial Court (Family Division) shall not make an order under clause (1) (b), (c), (i), (j) or (k) except for the provision of necessities or to prevent the dependant from becoming or continuing to be a public charge, and shall not make an order under clause (d).

Assignment of support

(3) An order for support may be assigned to an agency referred to in subsection 33 (3).

Support order binds estate

(4) An order for support binds the estate of the person having the support obligation unless the order provides otherwise.

Indexing of support payments

(5) In an order made under clause (1) (a), the court may provide that the amount payable shall be increased annually on the order's anniversary date by the indexing factor, as defined in subsection (6), for November of the previous year.

Definition

(6) The indexing factor for a given month is the percentage change in the Consumer Price Index for Canada for prices of all items since the same month of the previous year, as published by Statistics Canada.

Domestic contract, etc., may be filed with court

**35.—**(1) A person who is a party to a domestic contract or paternity agreement may file the contract or agreement with the clerk of the Provincial Court (Family Division) or of the Unified Family Court together with the person's affidavit stating that the contract or agreement is in effect and has not been set aside or varied by a court or agreement.

Effect of filing

(2) A provision for support or maintenance contained in a contract or agreement that is filed in this manner,

- (a) may be enforced; and
- (b) may be varied under section 37 and increased under section 38,

as if it were an order of the court where it is filed.

- j) la désignation, par le conjoint qui a un droit sur un régime de retraite ou un autre régime d'avantages sociaux, de l'autre conjoint ou d'un enfant comme bénéficiaire en vertu du régime, et l'interdiction de changer cette désignation;
- k) la garantie des paiements ordonnés, notamment au moyen d'une sûreté sur un bien.

(2) La Cour provinciale (Division de la famille) ne rend pas d'ordonnance en vertu de l'alinéa (1) b), c), i), j) ou k), si ce n'est pour pourvoir aux objets de première nécessité ou pour empêcher que la personne à charge n'ait recours ou ne continue d'avoir recours à l'aide publique. Elle ne rend pas d'ordonnance en vertu de l'alinéa d).

Pouvoirs restreints de la Cour provinciale

(3) L'ordonnance alimentaire est cessible à un organisme visé au paragraphe 33 (3).

Cession de l'ordonnance

(4) Sauf disposition contraire, l'ordonnance alimentaire lie la succession de la personne tenue de fournir des aliments.

Succession liée

(5) Dans l'ordonnance rendue en vertu de l'alinéa (1) a), le tribunal peut prévoir que le montant payable soit assujéti à une majoration annuelle, à la date anniversaire de l'ordonnance, égale au facteur d'indexation, au sens du paragraphe (6), pour le mois de novembre de l'année précédente.

Indexation des aliments

(6) Le facteur d'indexation pour un mois donné est le taux de variation de l'indice des prix à la consommation pour le Canada, en ce qui concerne l'indice d'ensemble par rapport au mois correspondant de l'année précédente, tel qu'il est publié par Statistique Canada.

Définition

**35** (1) La partie à un contrat familial ou à un accord de paternité peut déposer le contrat ou l'accord auprès du greffier de la Cour provinciale (Division de la famille) ou de la Cour unifiée de la famille. Il y joint un affidavit précisant que le contrat ou l'accord est valide et n'a pas été annulé ou modifié par un tribunal ou par un accord.

Dépôt du contrat familial, etc.

(2) La disposition alimentaire qui figure dans un contrat ou un accord déposé de cette façon peut :

Conséquences du dépôt

- a) d'une part, être mise à exécution;
- b) d'autre part, être modifiée en vertu de l'article 37 et augmentée en vertu de l'article 38,

comme s'il s'agissait d'une ordonnance du tribunal où le contrat ou l'accord a été déposé.

Setting  
aside  
available

(3) Subsection 33 (4) (setting aside in unconscionable circumstances, etc.) applies to a contract or agreement that is filed in this manner.

Filing and  
enforcement  
available  
despite  
waiver

(4) Subsection (1) and clause (2) (a) apply despite an agreement to the contrary.

Existing  
contracts,  
etc.

(5) Subsections (1) and (2) also apply to contracts and agreements made before this Act comes into force.

Existing  
arrears

(6) Clause (2) (a) also applies to arrears accrued before this Act comes into force.

Effect of  
divorce  
proceeding  
R.S.C. 1970,  
c. D-8

**36.**—(1) When a divorce proceeding is commenced under the *Divorce Act* (Canada), an application for support under this Part that has not been adjudicated is stayed, unless the court orders otherwise.

Arrears may  
be included  
in  
order under  
R.S.C. 1970,  
c. D-8

(2) The court that deals with a divorce proceeding under the *Divorce Act* (Canada) may determine the amount of arrears owing under an order for support made under this Part and make an order respecting that amount at the same time as it makes an order under the *Divorce Act* (Canada).

Idem

(3) If a marriage is terminated by divorce or judgment of nullity and the question of support is not adjudicated in the divorce or nullity proceedings, an order for support made under this Part continues in force according to its terms.

Application  
for variation

**37.**—(1) A dependant or respondent named in an order made or confirmed under this Part, the respondent's personal representative, or an agency referred to in subsection 33 (3), may apply to the court for variation of the order.

Powers of  
court

(2) If the court is satisfied that there has been a material change in the dependant's or respondent's circumstances or that evidence not available on the previous hearing has become available, the court may discharge, vary or suspend a term of the order, prospectively or retroactively, relieve the respondent from the payment of part or all of the arrears or any interest due on them and make any other order under section 34 that the court considers appropriate in the circumstances referred to in section 33.

Limitation on  
applications  
for variation

(3) No application for variation shall be made within six months after the making of the order for support or the disposition of another application for variation in respect of the same order, except by leave of the court.



- (3) Le paragraphe 33 (4) (annulation en cas de situation inadmissible, etc.) s'applique au contrat ou à l'accord déposé de cette façon. Annulation
- (4) Le paragraphe (1) et l'alinéa (2) a) s'appliquent malgré un accord contraire. Champ d'application
- (5) Les paragraphes (1) et (2) s'appliquent également aux contrats et aux accords conclus avant l'entrée en vigueur de la présente loi. Contrats et accords existants
- (6) L'alinéa (2) a) s'applique également aux arriérés courus avant l'entrée en vigueur de la présente loi. Arriérés existants
- 36** (1) L'action en divorce introduite en vertu de la *Loi sur le divorce* (Canada) surseoit à la requête en aliments présentée en vertu de la présente partie, sauf ordonnance contraire du tribunal. Effet de l'action en divorce  
S.R.C. 1970, chap. D-8
- (2) Le tribunal qui traite d'une action en divorce en vertu de la *Loi sur le divorce* (Canada) peut fixer les arriérés aux termes d'une ordonnance alimentaire rendue en vertu de la présente partie. Il peut rendre une ordonnance relative à ce montant lorsqu'il rend une ordonnance en vertu de la *Loi sur le divorce* (Canada). Inclusion des arriérés dans l'ordonnance rendue en vertu du chap. D-8 des S.R.C. de 1970
- (3) Si un jugement de divorce ou de nullité met fin au mariage et que la question des aliments n'est pas réglée lors de l'instance en divorce ou en nullité, l'ordonnance alimentaire rendue en vertu de la présente partie reste en vigueur conformément aux conditions qu'elle contient. Idem
- 37** (1) La personne à charge ou l'intimé dont le nom figure dans l'ordonnance rendue ou confirmée en vertu de la présente partie, le représentant successoral de l'intimé ou l'organisme visé au paragraphe 33 (3) peuvent demander au tribunal, par voie de requête, que l'ordonnance soit modifiée. Requête en modification de l'ordonnance
- (2) Si le tribunal est convaincu que la situation de la personne à charge ou de l'intimé a changé de façon importante ou que des preuves qui n'étaient pas disponibles lors de l'audience antérieure le sont devenues, il peut modifier, annuler ou suspendre une condition de l'ordonnance, par anticipation ou rétroactivement, libérer l'intimé du versement, en tout ou en partie, des arriérés ou des intérêts dus, et rendre l'ordonnance en vertu de l'article 34 que le tribunal juge appropriée dans les circonstances visées à l'article 33. Pouvoirs du tribunal
- (3) Aucune requête en modification n'est présentée au cours des six mois qui suivent l'ordonnance alimentaire ou le Période d'attente

Application  
to have  
existing order  
indexed

**38.**—(1) If an order made or confirmed under this Part is not indexed under subsection 34 (5), the dependant, or an agency referred to in subsection 33 (3), may apply to the court to have the order indexed in accordance with subsection 34 (5).

Power of  
court

(2) The court shall, unless the respondent shows that his or her income, assets and means have not increased sufficiently to permit the increase, order that the amount payable be increased by the indexing factor, as defined in subsection 34 (6), for November of the year before the year in which the application is made and be increased in the same way annually thereafter on the anniversary date of the order under this section.

Existing  
orders

**39.** Sections 36 to 38 also apply to orders for maintenance or alimony made before the 31st day of March, 1978 or in proceedings commenced before the 31st day of March, 1978 and to orders for support made under Part II of the *Family Law Reform Act*.

R.S.O. 1980,  
c. 152

Restraining  
orders

**40.** The court may, on application, make an interim or final order restraining the depletion of a spouse's property that would impair or defeat a claim under this Part.

Financial  
statement

**41.** In an application under section 33 or 37, each party shall serve on the other and file with the court a financial statement verified by oath or statutory declaration in the manner and form prescribed by the rules of the court.

Order for  
return by  
employer

**42.**—(1) In an application under section 33 or 37, the court may order the employer of a party to the application to make a written return to the court showing the party's wages or other remuneration during the preceding twelve months.

Return as  
evidence

(2) A return purporting to be signed by the employer may be received in evidence as *prima facie* proof of its contents.

Order for  
access to  
information

(3) The court may, on motion, make an order under subsection (4) if it appears to the court that, in order to make an application under section 33 or 37, the moving party needs to learn or confirm the proposed respondent's whereabouts.

règlement d'une autre requête en modification à l'égard de la même ordonnance, sauf avec l'autorisation du tribunal.

**38** (1) Si l'ordonnance rendue ou confirmée en vertu de la présente partie n'est pas indexée en vertu du paragraphe 34 (5), la personne à charge ou l'organisme visé au paragraphe 33 (3) peuvent demander au tribunal, par voie de requête, l'indexation de l'ordonnance conformément au paragraphe 34 (5).

Requête en indexation

(2) Sauf si l'intimé établit que son revenu, ses ressources et son actif n'ont pas connu une augmentation suffisante pour permettre une majoration, le tribunal ordonne que le montant payable soit assujéti à une majoration égale au facteur d'indexation, au sens du paragraphe 34 (6), pour le mois de novembre de l'année qui précède celle au cours de laquelle la requête est présentée et soit majoré de la même façon, chaque année qui suit, à la date anniversaire de l'ordonnance rendue en vertu du présent article.

Pouvoir du tribunal

**39** Les articles 36 à 38 s'appliquent également aux ordonnances alimentaires provisoires ou définitives rendues avant le 31 mars 1978 ou dans le cadre d'instances introduites avant le 31 mars 1978, ainsi qu'aux ordonnances alimentaires rendues en vertu de la partie II de la *Loi portant réforme du droit de la famille*.

Ordonnances existantes

L.R.O. 1980, chap. 152

**40** À la suite d'une requête, le tribunal peut rendre une ordonnance provisoire ou définitive pour interdire la dilapidation des biens d'un conjoint qui porterait atteinte à une revendication actuelle ou éventuelle en vertu de la présente partie ou la repousserait.

Ordonnance de ne pas faire

**41** Dans une requête présentée en vertu de l'article 33 ou 37, chaque partie signifie à l'autre et dépose auprès du tribunal un état financier appuyé d'un affidavit ou d'une déclaration solennelle, de la façon et dans la forme prescrites par les règles de pratique.

État financier

**42** (1) À la suite d'une requête présentée en vertu de l'article 33 ou 37, le tribunal peut ordonner à l'employeur d'une partie à la requête de lui donner un état indiquant le salaire ou la rémunération de la partie au cours des douze mois précédents.

État fourni par l'employeur

(2) L'état qui se présente comme étant signé par l'employeur peut être reçu en preuve en tant que preuve *prima facie* de son contenu.

Preuve

(3) Le tribunal peut, à la suite d'une motion, rendre l'ordonnance prévue au paragraphe (4) s'il appert au tribunal que l'auteur de la motion a besoin de connaître ou de confirmer

Accès aux renseignements

Idem

(4) The order shall require the person or public body to whom it is directed to provide the court or the moving party with any information that is shown on a record in the person's or public body's possession or control and that indicates the proposed respondent's place of employment, address or location.

Crown bound

(5) This section binds the Crown in right of Ontario.

Arrest of  
absconding  
debtor

**43.**—(1) If an application is made under section 33 or 37 and the court is satisfied that the respondent is about to leave Ontario and that there are reasonable grounds for believing that the respondent intends to evade his or her responsibilities under this Act, the court may issue a warrant for the respondent's arrest for the purpose of bringing him or her before the court.

Bail  
R.S.O. 1980,  
c. 400

(2) Section 134 (interim release by justice of the peace) of the *Provincial Offences Act* applies, with necessary modifications, to an arrest under the warrant.

Provisional  
orders

**44.**—(1) In an application under section 33 or 37 in the Provincial Court (Family Division) or the Unified Family Court, the court shall proceed under this section, whether or not the respondent in the application files a financial statement, if,

- (a) the respondent fails to appear;
- (b) it appears to the court that the respondent resides in a locality in Ontario that is more than 150 kilometres away from the place where the court sits; and
- (c) the court is of the opinion, in the circumstances of the case, that the issues can be adequately determined by proceeding under this section.

Idem

(2) If the court determines that it would be proper to make a final order, were it not for the respondent's failure to appear, the court shall make an order for support that is provisional only and has no effect until it is confirmed by the Provincial Court (Family Division) or the Unified Family Court sitting nearest the place where the respondent resides.

l'endroit où se trouve le futur intimé afin de présenter une requête en vertu de l'article 33 ou 37.

(4) L'ordonnance exige de la personne ou de l'organisme public auxquels elle est adressée qu'ils fournissent au tribunal ou à l'auteur de la motion les renseignements qui figurent dans un dossier qui se trouve en leur possession ou sous leur contrôle et qui indiquent le lieu de travail ou l'adresse personnelle du futur intimé ou le lieu où il se trouve. Idem

(5) Le présent article lie la Couronne du chef de l'Ontario. La Couronne est liée

**43** (1) Si une requête est présentée en vertu de l'article 33 ou 37, que le tribunal est convaincu que l'intimé est sur le point de quitter l'Ontario et qu'il existe des motifs raisonnables de croire que l'intimé a l'intention de se soustraire aux responsabilités que lui impose la présente loi, le tribunal peut décerner un mandat d'arrêt contre l'intimé afin qu'il soit amené devant le tribunal. Arrestation du débiteur en fuite

(2) L'article 134 (libération provisoire par le juge de paix) de la *Loi sur les infractions provinciales* s'applique, avec les adaptations nécessaires, à une arrestation effectuée en vertu du mandat. Mise en liberté sous caution  
L.R.O. 1980, chap. 400

**44** (1) Dans une requête présentée en vertu de l'article 33 ou 37 devant la Cour provinciale (Division de la famille) ou la Cour unifiée de la famille, le tribunal suit les modalités prévues au présent article, que l'intimé nommé dans la requête dépose ou non un état financier, si les conditions suivantes sont réunies : Ordonnances conditionnelles

- a) l'intimé ne se présente pas;
- b) il appert au tribunal que l'intimé réside dans une localité de l'Ontario qui est à plus de 150 kilomètres du lieu où siège le tribunal;
- c) le tribunal est d'avis, dans les circonstances de l'espèce, que les questions peuvent être convenablement réglées en suivant les modalités prévues au présent article.

(2) Si le tribunal décide qu'il serait approprié de rendre une ordonnance définitive, n'était le défaut de l'intimé de se présenter, il rend une ordonnance alimentaire qui est conditionnelle seulement et qui n'a aucune validité tant qu'elle n'est pas confirmée par la Cour provinciale (Division de la famille) ou la Cour unifiée de la famille siégeant le plus près du lieu où l'intimé réside. Idem

Transmission  
for hearing

(3) The court that makes a provisional order shall send to the court in the locality in which the respondent resides copies of such documents and records, certified in such manner, as are prescribed by the rules of the court.

Show cause

(4) The court to which the documents and records are sent shall cause them to be served upon the respondent, together with a notice to file with the court the financial statement required by section 41, and to appear and show cause why the provisional order should not be confirmed.

Confirmation  
of order

(5) At the hearing, the respondent may raise any defence that might have been raised in the original proceeding, but if the respondent fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order without variation or with the variation that the court considers proper having regard to all the evidence.

Adjournment  
for further  
evidence

(6) If the respondent appears before the court and satisfies the court that for the purpose of a defence or for the taking of further evidence or otherwise it is necessary to remit the case to the court where the applicant resides, the court may remit the case and adjourn the proceeding for that purpose.

Where order  
not  
confirmed

(7) If the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court shall remit the case to the court sitting where the order was made with a statement of the reasons for doing so, and the court sitting where the order was made shall dispose of the application in accordance with the statement.

Certificates  
as evidence

(8) A certificate certifying copies of documents or records for the purpose of this section and purporting to be signed by the clerk of the court is, without proof of the clerk's office or signature, admissible in evidence in a court to which it is transmitted under this section as *prima facie* proof of the copy's authenticity.

Right of  
appeal

(9) No appeal lies from a provisional order made under this section, but a person bound by an order confirmed under this section has the same right of appeal as he or she would have had if the order had been made under section 34.

Pledging  
credit for  
necessities

**45.—**(1) During cohabitation, a spouse has authority to render himself or herself and his or her spouse jointly and severally liable to a third party for necessities of life, unless the spouse has notified the third party that he or she has withdrawn the authority.



(3) Le tribunal qui rend l'ordonnance conditionnelle envoie au tribunal de la localité où l'intimé réside des copies des documents et des dossiers prescrits par les règles de pratique et certifiées de la façon qu'elles exigent.

Transmission  
de documents

(4) Le tribunal qui reçoit les documents et les dossiers les fait signifier à l'intimé. Il lui fait également signifier un avis de dépôt auprès du tribunal de l'état financier exigé en vertu de l'article 41, qui lui enjoint également de comparaître afin de fournir des motifs pour lesquels l'ordonnance conditionnelle ne devrait pas être confirmée.

Justification

(5) Lors de l'audience, l'intimé peut utiliser les moyens de défense qui auraient pu être utilisés dans la première instance. Si l'intimé ne convainc pas le tribunal, celui-ci peut confirmer l'ordonnance sans modification ou avec les modifications que le tribunal juge appropriées, compte tenu de l'ensemble de la preuve.

Confirmation  
de  
l'ordonnance

(6) Si l'intimé comparaît devant le tribunal et le convainc qu'il est nécessaire, notamment afin de présenter une défense ou de recueillir d'autres preuves, de remettre l'affaire au tribunal du lieu où réside le requérant, le tribunal peut remettre l'affaire et ajourner l'instance à cette fin.

Ajournement  
pour recueillir  
d'autres  
preuves

(7) Si l'intimé comparaît devant le tribunal et que celui-ci, compte tenu de l'ensemble de la preuve, est d'avis que l'ordonnance ne devrait pas être confirmée, le tribunal remet l'affaire au tribunal qui siège là où l'ordonnance a été rendue, avec l'exposé de ses motifs. Ce tribunal donne suite à la requête conformément à l'exposé.

Cas où l'or-  
donnance  
n'est pas  
confirmée

(8) Le certificat attestant l'authenticité des copies de documents ou de dossiers pour l'application du présent article et qui se présente comme étant signé par le greffier du tribunal est, sans preuve de la qualité ni de la signature du greffier, admissible en preuve devant le tribunal où il est transmis en vertu du présent article et constitue une preuve *prima facie* de l'authenticité de la copie.

Preuve des  
pièces

(9) Est irrecevable l'appel d'une ordonnance conditionnelle rendue en vertu du présent article. Toutefois, la personne liée par une ordonnance confirmée en vertu du présent article possède le même droit d'appel qu'elle aurait eu si l'ordonnance avait été rendue en vertu de l'article 34.

Droit d'appel

**45** (1) Pendant la cohabitation, un conjoint peut se rendre et rendre son conjoint solidairement responsables envers une tierce partie en ce qui concerne les objets de première nécessité, à moins que le conjoint n'ait avisé la tierce partie du fait qu'il a retiré ce pouvoir.

Crédit pour  
acheter les  
objets de  
première  
nécessité

Liability for necessities of minor

(2) If a person is entitled to recover against a minor in respect of the provision of necessities for the minor, every parent who has an obligation to support the minor is liable for them jointly and severally with the minor.

Recovery between persons jointly liable

(3) If persons are jointly and severally liable under this section, their liability to each other shall be determined in accordance with their obligation to provide support.

Common law supplanted

(4) This section applies in place of the rules of common law by which a wife may pledge her husband's credit.

Order restraining harassment

**46.**—(1) On application, a court may make an interim or final order restraining the applicant's spouse or former spouse from molesting, annoying or harassing the applicant or children in the applicant's lawful custody, or from communicating with the applicant or children, except as the order provides, and may require the applicant's spouse or former spouse to enter into the recognizance that the court considers appropriate.

Offence

(2) A person who contravenes a restraining order is guilty of an offence and upon conviction is liable,

- (a) in the case of a first offence, to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both; and
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000 or to imprisonment for a term of not more than two years, or to both.

Arrest without warrant

(3) A police officer may arrest without warrant a person the police officer believes on reasonable and probable grounds to have contravened a restraining order.

Existing orders

(4) Subsections (2) and (3) also apply in respect of contraventions, committed after this Act comes into force, of restraining orders made under Part II of the *Family Law Reform Act*.

R.S.O. 1980, c. 122

Application for custody  
R.S.O. 1980, c. 68

**47.** The court may direct that an application for support stand over until an application for custody under the *Children's Law Reform Act* has been determined.

(2) Si une personne a le droit de recouvrer d'un mineur une somme d'argent en ce qui concerne les objets de première nécessité, le père et la mère qui sont tenus de fournir des aliments au mineur sont solidairement responsables de la dette avec le mineur.

Responsabilité en ce qui concerne les objets de première nécessité fournis au mineur

(3) Si des personnes sont solidairement responsables de dettes en vertu du présent article, la responsabilité de l'un à l'égard de l'autre est établie conformément à l'obligation de chacun de fournir des aliments.

Responsabilité d'une personne à l'égard de l'autre

(4) Le présent article remplace les règles de *common law* en vertu desquelles une épouse peut engager la responsabilité de son mari.

Abrogation des règles de *common law*

**46** (1) À la suite d'une requête, le tribunal peut rendre une ordonnance provisoire ou définitive pour interdire au conjoint ou à l'ancien conjoint du requérant de molester, d'importuner ou de harceler le requérant ou les enfants confiés à la garde légitime du requérant, ou pour lui interdire de communiquer avec le requérant ou avec les enfants, sauf selon ce que l'ordonnance prévoit. Le tribunal peut exiger du conjoint ou de l'ancien conjoint du requérant qu'il prenne l'engagement à cet effet que le tribunal juge approprié.

Ordonnance pour interdire le harcèlement de personnes

(2) Quiconque enfreint l'ordonnance de ne pas faire est coupable d'une infraction et passible, sur déclaration de culpabilité :

Infraction

- a) dans le cas d'une première infraction, d'une amende d'au plus 1 000 \$ et d'une peine d'emprisonnement d'au plus trois mois, ou d'une seule de ces peines;
- b) dans le cas d'une deuxième infraction ou d'une infraction subséquente, d'une amende d'au plus 10 000 \$ et d'une peine d'emprisonnement d'au plus deux ans, ou d'une seule de ces peines.

(3) Le policier qui croit, en se fondant sur des motifs raisonnables et probables, qu'une personne a enfreint l'ordonnance de ne pas faire, peut l'arrêter sans mandat.

Arrestation sans mandat

(4) Les paragraphes (2) et (3) s'appliquent également en ce qui concerne les infractions, commises après l'entrée en vigueur de la présente loi, aux ordonnances de ne pas faire rendues en vertu de la partie II de la *Loi portant réforme du droit de la famille*.

Ordonnances existantes

L.R.O. 1980, chap. 152

**47** Le tribunal peut ordonner qu'il soit sursis à une requête en aliments jusqu'à ce que la requête relative à la garde des enfants, présentée en vertu de la *Loi portant réforme du droit de l'enfance*, ait été réglée.

Requête relative à la garde d'enfants  
L.R.O. 1980, chap. 68

Appeal from  
Provincial  
Court  
(Family  
Division)

**48.** An appeal lies from an order of the Provincial Court (Family Division) under this Part to the District Court.

Contempt of  
orders of  
Provincial  
Court  
(Family  
Division)

**49.**—(1) In addition to its powers in respect of contempt, the Provincial Court (Family Division) may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders under this Act, but the fine shall not exceed \$1,000 nor shall the imprisonment exceed ninety days.

Conditions  
of  
imprisonment

(2) An order for imprisonment under subsection (1) may be conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently.

Limitation

**50.**—(1) No action or application for an order for the support of a spouse shall be brought under this Part after two years from the day the spouses separate.

Idem

(2) If the spouses provided for support on separation in a domestic contract, subsection (1) does not apply and no action or application for an order for the support of a spouse shall be brought after default under the contract has subsisted for two years.

**48** Il peut être interjeté appel de l'ordonnance de la Cour provinciale (Division de la famille) rendue en vertu de la présente partie à la Cour de district. Appel

**49** (1) Outre les pouvoirs dont elle dispose en matière d'outrage, la Cour provinciale (Division de la famille) peut infliger une amende et une peine d'emprisonnement, ou une seule de ces peines, à quiconque désobéit ou résiste volontairement à ses actes de procédure, règles ou ordonnances en vertu de la présente loi. Toutefois, l'amende ne dépasse pas 1 000 \$ et la peine d'emprisonnement ne dépasse pas quatre-vingt-dix jours. Désobéissance aux ordonnances de la Cour provinciale (Division de la famille)

(2) L'ordonnance imposant une peine d'emprisonnement en vertu du paragraphe (1) peut faire dépendre cette peine du respect d'une condition qui y est précisée. Elle peut prévoir que la peine d'emprisonnement soit purgée de façon intermittente. Peine d'emprisonnement

**50** (1) Aucune action relative à une ordonnance d'aliments dus à un conjoint ni aucune requête à cet effet n'est intentée ni présentée en vertu de la présente partie plus de deux ans après le jour où les conjoints se sont séparés. Prescription

(2) Si les conjoints ont prévu dans un contrat familial la fourniture d'aliments en cas de séparation, le paragraphe (1) ne s'applique pas. Dans ce cas, aucune action relative à une ordonnance d'aliments dus à un conjoint ni aucune requête à cet effet n'est intentée ni présentée si le défaut de fournir des aliments dure depuis plus de deux ans. Idem

## PART IV

## DOMESTIC CONTRACTS

## Definitions

**51.** In this Part,"accord de  
cohabitation"

"cohabitation agreement" means an agreement entered into under section 53;

"contrat  
familial"

"domestic contract" means a marriage contract, separation agreement or cohabitation agreement;

"contrat de  
mariage"

"marriage contract" means an agreement entered into under section 52;

"accord de  
paternité"

"paternity agreement" means an agreement entered into under section 59;

"accord de  
séparation"

"separation agreement" means an agreement entered into under section 54.

Marriage  
contracts

**52.**—(1) A man and a woman who are married to each other or intend to marry may enter into an agreement in which they agree on their respective rights and obligations under the marriage or on separation, on the annulment or dissolution of the marriage or on death, including,

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- (d) any other matter in the settlement of their affairs.

Rights re  
matrimonial  
home  
excepted

(2) A provision in a marriage contract purporting to limit a spouse's rights under Part II (Matrimonial Home) is unenforceable.

Cohabitation  
agreements

**53.**—(1) A man and a woman who are cohabiting or intend to cohabit and who are not married to each other may enter into an agreement in which they agree on their respective rights and obligations during cohabitation, or on ceasing to cohabit or on death, including,

- (a) ownership in or division of property;
- (b) support obligations;



## PARTIE IV

## CONTRATS FAMILIAUX

**51** Les définitions qui suivent s'appliquent à la présente partie. Définitions

«accord de cohabitation» Accord conclu en vertu de l'article 53. «cohabitation agreement»

«accord de paternité» Accord conclu en vertu de l'article 59. «paternity agreement»

«accord de séparation» Accord conclu en vertu de l'article 54. «separation agreement»

«contrat de mariage» Accord conclu en vertu de l'article 52. «marriage contract»

«contrat familial» Contrat de mariage, accord de séparation ou accord de cohabitation. «domestic contract»

**52** (1) Un homme et une femme qui sont mariés ensemble ou qui ont l'intention de se marier peuvent conclure un accord afin de convenir de leurs obligations et droits respectifs dans le cadre du mariage ou lors de leur séparation, de l'annulation ou de la dissolution du mariage, ou du décès, y compris : Contrat de mariage

- a) la propriété ou le partage de biens;
- b) les obligations alimentaires;
- c) le droit de diriger l'éducation et la formation morale de leurs enfants, mais non le droit de garde ou de visite;
- d) toute autre question relative au règlement de leurs affaires.

(2) Est inexécutable la disposition d'un contrat de mariage qui prétend limiter les droits d'un conjoint qui sont reconnus en vertu de la partie II (Foyer conjugal). Exceptions du foyer conjugal

**53** (1) L'homme et la femme qui ne sont pas mariés ensemble et qui cohabitent ou ont l'intention de cohabiter peuvent conclure un accord afin de convenir de leurs obligations et droits respectifs dans le cadre de la cohabitation ou à la fin de la cohabitation ou au décès, y compris : Accord de cohabitation

- a) la propriété ou le partage de biens;
- b) les obligations alimentaires;

- (c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- (d) any other matter in the settlement of their affairs.

Effect of  
marriage on  
agreement

(2) If the parties to a cohabitation agreement marry each other, the agreement shall be deemed to be a marriage contract.

Separation  
agreements

**54.** A man and a woman who cohabited and are living separate and apart may enter into an agreement in which they agree on their respective rights and obligations, including,

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children;
- (d) the right to custody of and access to their children; and
- (e) any other matter in the settlement of their affairs.

Form of  
contract

**55.**—(1) A domestic contract and an agreement to amend or rescind a domestic contract are unenforceable unless made in writing, signed by the parties and witnessed.

Capacity  
of minor

(2) A minor has capacity to enter into a domestic contract, subject to the approval of the court, which may be given before or after the minor enters into the contract.

Agreement  
on  
behalf of  
mentally  
incompetent  
person

- (3) If a person is mentally incompetent,
  - (a) the person's committee, if any, unless the person's spouse is the committee;
  - (b) in all other cases, the Public Trustee,

may enter into a domestic contract or give any waiver or consent under this Act on the mentally incompetent person's behalf, subject to the prior approval of the court.

Contracts  
subject to  
best interests  
of child

**56.**—(1) In the determination of a matter respecting the support, education, moral training or custody of or access to a child, the court may disregard any provision of a domestic contract pertaining to the matter where, in the opinion of the court, to do so is in the best interests of the child.

- c) le droit de diriger l'éducation et la formation morale de leurs enfants, mais non le droit de garde ou de visite;
- d) toute autre question relative au règlement de leurs affaires.

(2) Si les parties à l'accord de cohabitation se marient ensemble, l'accord est réputé un contrat de mariage. Effet du mariage sur l'accord

**54** L'homme et la femme qui cohabitaient et qui vivent séparés de corps peuvent conclure un accord afin de convenir de leurs obligations et droits respectifs, y compris : Accord de séparation

- a) la propriété ou le partage de biens;
- b) les obligations alimentaires;
- c) le droit de diriger l'éducation et la formation morale de leurs enfants;
- d) le droit de garde et de visite de leurs enfants;
- e) toute autre question relative au règlement de leurs affaires.

**55** (1) Le contrat familial et l'accord conclu afin de modifier ou de rescinder un contrat familial sont inexécutables à moins qu'ils ne soient faits par écrit et signés par les parties devant témoins. Forme du contrat

(2) Le mineur a capacité pour conclure un contrat familial, sous réserve de l'approbation du tribunal. Celle-ci peut être donnée avant ou après la conclusion du contrat par le mineur. Capacité du mineur

(3) Si une personne est un incapable mental, les personnes suivantes peuvent conclure un contrat familial ou donner la renonciation ou le consentement prévus aux termes de la présente loi au nom de l'incapable mental, sous réserve de l'approbation préalable du tribunal : Accord au nom d'un incapable mental

- a) le curateur aux biens de l'incapable mental, s'il en est, sauf si son conjoint est son curateur;
- b) le Curateur public, dans tous les autres cas.

**56** (1) Le tribunal peut, lorsqu'il règle une question relative aux aliments dus à un enfant, à son éducation, à sa formation morale ou à un droit de garde ou de visite, passer outre à une disposition d'un contrat familial qui a trait à cette Primauté de l'intérêt de l'enfant

*Dum casta*  
clauses

(2) A provision in a domestic contract to take effect on separation whereby any right of a party is dependent upon remaining chaste is unenforceable, but this subsection shall not be construed to affect a contingency upon marriage or cohabitation with another.

*Idem*

(3) A provision in a domestic contract made before this section comes into force whereby any right of a party is dependent upon remaining chaste shall be given effect as a contingency upon marriage or cohabitation with another.

Setting aside  
domestic  
contract

(4) A court may, on application, set aside a domestic contract or a provision in it,

- (a) if a party failed to disclose to the other significant assets, or significant debts or other liabilities, existing when the domestic contract was made;
- (b) if a party did not understand the nature or consequences of the domestic contract; or
- (c) otherwise in accordance with the law of contract.

Barriers to  
remarriage

(5) The court may, on application, set aside all or part of a separation agreement or settlement, if the court is satisfied that the removal by one spouse of barriers that would prevent the other spouse's remarriage within that spouse's faith was a consideration in the making of the agreement or settlement.

*Idem*

(6) Subsection (5) also applies to consent orders, releases, notices of discontinuance and abandonment and other written or oral arrangements.

Application  
of subss.  
(4, 5, 6)

(7) Subsections (4), (5) and (6) apply despite any agreement to the contrary.

Rights of  
donors of  
gifts

**57.** If a domestic contract provides that specific gifts made to one or both parties may not be disposed of or encumbered without the consent of the donor, the donor shall be deemed to be a party to the contract for the purpose of enforcement or amendment of the provision.

question s'il est d'avis que cette mesure est dans l'intérêt vérifiable de l'enfant.

(2) Est inexécutable la disposition dans un contrat familial qui doit prendre effet en cas de séparation et qui stipule qu'une partie perd un droit si elle ne reste pas chaste. Toutefois, le présent paragraphe n'a pas pour effet de porter atteinte à la condition résolutoire en cas de mariage ou de cohabitation avec une autre personne.

Stipulation de chasteté

(3) La disposition dans un contrat familial conclu avant l'entrée en vigueur du présent article et stipulant qu'une partie perd un droit si elle ne reste pas chaste est convertie en condition résolutoire en cas de mariage ou de cohabitation avec une autre personne.

Idem

(4) Un tribunal peut, à la suite d'une requête, annuler un contrat familial, en tout ou en partie, pour une des raisons suivantes :

Annulation du contrat familial

- a) une partie n'a pas divulgué à l'autre des dettes ou autres éléments de passif importants, ou des éléments d'actif importants, qui existaient lorsque le contrat familial a été conclu;
- b) une partie n'a pas compris la nature ou les conséquences du contrat familial;
- c) pour une autre raison, en conformité avec le droit des contrats.

(5) Le tribunal peut, à la suite d'une requête, annuler en tout ou en partie l'accord de séparation ou de transaction, s'il est convaincu que le retrait par l'un des conjoints d'obstacles qui empêcheraient le remariage de l'autre conjoint au sein de la religion de ce dernier était un motif dans la conclusion de l'accord.

Obstacles au remariage

(6) Le paragraphe (5) s'applique également aux ordonnances sur consentement, aux renonciations, aux avis de désistement et aux autres arrangements oraux ou écrits.

Idem

(7) Les paragraphes (4), (5) et (6) s'appliquent malgré tout accord contraire.

Champ d'application des par. (4), (5) et (6)

**57** Si un contrat familial prévoit que des dons précis faits aux deux parties ou à l'une d'elles ne peuvent pas être aliénés ni grevés sans le consentement du donateur, celui-ci est réputé une partie au contrat aux fins de l'exécution ou de la modification de la disposition.

Droit du donateur

Contracts  
made outside  
Ontario

**58.** The manner and formalities of making a domestic contract and its essential validity and effect are governed by the proper law of the contract, except that,

- (a) a contract of which the proper law is that of a jurisdiction other than Ontario is also valid and enforceable in Ontario if entered into in accordance with Ontario's internal law;
- (b) subsection 33 (4) (setting aside provision for support or waiver) and section 56 apply in Ontario to contracts for which the proper law is that of a jurisdiction other than Ontario; and
- (c) a provision in a marriage contract or cohabitation agreement respecting the right to custody of or access to children is not enforceable in Ontario.

Paternity  
agreements

**59.—**(1) If a man and a woman who are not spouses enter into an agreement for,

- (a) the payment of the expenses of a child's prenatal care and birth;
- (b) support of a child; or
- (c) funeral expenses of the child or mother,

on the application of a party, or a children's aid society, to the Provincial Court (Family Division) or the Unified Family Court, the court may incorporate the agreement in an order, and Part III (Support Obligations) applies to the order in the same manner as if it were an order made under that Part.

Absenting  
respondent

(2) If an application is made under subsection (1) and a judge of the court is satisfied that the respondent is about to leave Ontario and that there are reasonable grounds to believe that the respondent intends to evade his or her responsibilities under the agreement, the judge may issue a warrant in the form prescribed by the rules of the court for the respondent's arrest.

Bail  
R.S.O. 1980,  
c. 400

(3) Section 134 (interim release by justice of the peace) of the *Provincial Offences Act* applies, with necessary modifications, to an arrest under the warrant.

Capacity of  
minor

(4) A minor has capacity to enter into an agreement under subsection (1) that is approved by the court, whether the



**58** La loi applicable au contrat familial en régit la forme et le fond ainsi que sa validité et ses effets essentiels. Toutefois :

Contrats  
conclus en  
dehors de  
l'Ontario

- a) un contrat dont la loi applicable n'est pas celle de l'Ontario est valable et exécutoire en Ontario s'il a été conclu conformément au droit interne de l'Ontario;
- b) le paragraphe 33 (4) (annulation d'une disposition alimentaire ou d'une renonciation) et l'article 56 s'appliquent en Ontario aux contrats dont la loi applicable n'est pas celle de l'Ontario;
- c) une disposition dans un contrat de mariage ou un accord de cohabitation relative à un droit de garde ou de visite n'est pas exécutoire en Ontario.

**59** (1) Si un homme et une femme qui ne sont pas conjoints concluent un accord relatif, selon le cas :

Accord de  
paternité

- a) à l'acquittement des frais reliés aux soins prénatals et à la naissance d'un enfant;
- b) aux aliments à fournir à l'enfant;
- c) aux frais funéraires de l'enfant ou de la mère,

le tribunal peut, à la suite d'une requête présentée à la Cour provinciale (Division de la famille) ou à la Cour unifiée de la famille par une partie ou une société d'aide à l'enfance, intégrer l'accord dans une ordonnance. Dans ce cas, la partie III (Obligation alimentaire) s'applique à l'ordonnance comme si elle avait été rendue en vertu de cette partie.

(2) Si une requête a été présentée en vertu du paragraphe (1) et qu'un juge du tribunal est convaincu que l'intimé est sur le point de quitter l'Ontario et qu'il existe des motifs raisonnables de croire qu'il a l'intention de se soustraire aux responsabilités que lui impose l'accord, le juge peut décerner un mandat d'arrêt contre l'intimé dans la forme prescrite par les règles de pratique.

Intimé en  
fuite

(3) L'article 134 (libération provisoire par le juge de paix) de la *Loi sur les infractions provinciales* s'applique, avec les adaptations nécessaires, à une arrestation effectuée en vertu du mandat.

Mise en  
liberté sous  
caution  
L.R.O. 1980,  
chap. 400

(4) Le mineur a capacité pour conclure un accord en vertu du paragraphe (1) qui est approuvé par le tribunal, que l'approbation soit donnée avant ou après la conclusion de l'accord par le mineur.

Capacité du  
mineur

approval is given before or after the minor enters into the agreement.

Application  
to existing  
agreements

(5) This section applies to paternity agreements that were made before the day this Act comes into force.

Application  
of Act to  
existing  
contracts

**60.**—(1) A domestic contract validly made before the day this Act comes into force shall be deemed to be a domestic contract for the purposes of this Act.

Contracts  
entered into  
before  
coming into  
force of Act

(2) If a domestic contract was entered into before the day this Act comes into force and the contract or any part would have been valid if entered into on or after that day, the contract or part is not invalid for the reason only that it was entered into before that day.

Idem

(3) If property is transferred, under an agreement or understanding reached before the 31st day of March, 1978, between spouses who are living separate and apart, the transfer is effective as if made under a domestic contract.

(5) Le présent article s'applique aux accords de paternité conclus avant l'entrée en vigueur de la présente loi.

Application  
aux accords  
existants

**60** (1) Le contrat familial valablement conclu avant l'entrée en vigueur de la présente loi est réputé un contrat familial pour l'application de la présente loi.

Application  
de la loi aux  
contrats  
existants

(2) Si un contrat familial a été conclu avant l'entrée en vigueur de la présente loi et que le contrat, en tout ou en partie, aurait été valide s'il avait été conclu à cette date ou après, le contrat ou la partie ne sont pas nuls pour le seul motif qu'ils ont été conclus avant cette date.

Contrats con-  
clus avant  
l'entrée en  
vigueur de la  
loi

(3) Si, en vertu d'un accord ou d'une entente conclus avant le 31 mars 1978, des biens sont transférés entre des conjoints qui sont séparés de corps, le transfert a la même validité que s'il avait été effectué en vertu d'un contrat familial.

Idem

## PART V

## DEPENDANTS' CLAIM FOR DAMAGES

Right of dependants to sue in tort

**61.**—(1) If a person is injured or killed by the fault or neglect of another under circumstances where the person is entitled to recover damages, or would have been entitled if not killed, the spouse, as defined in Part III (Support Obligations), children, grandchildren, parents, grandparents, brothers and sisters of the person are entitled to recover their pecuniary loss resulting from the injury or death from the person from whom the person injured or killed is entitled to recover or would have been entitled if not killed, and to maintain an action for the purpose in a court of competent jurisdiction.

Damages in case of injury

(2) The damages recoverable in a claim under subsection (1) may include,

- (a) actual expenses reasonably incurred for the benefit of the person injured or killed;
- (b) actual funeral expenses reasonably incurred;
- (c) a reasonable allowance for travel expenses actually incurred in visiting the person during his or her treatment or recovery;
- (d) where, as a result of the injury, the claimant provides nursing, housekeeping or other services for the person, a reasonable allowance for loss of income or the value of the services; and
- (e) an amount to compensate for the loss of guidance, care and companionship that the claimant might reasonably have expected to receive from the person if the injury or death had not occurred.

Contributory negligence

(3) In an action under subsection (1), the right to damages is subject to any apportionment of damages due to contributory fault or neglect of the person who was injured or killed.

Limitations of actions

(4) No action shall be brought under subsection (1) after the expiration of two years from the time the cause of action arose.

Offer to settle for global sum

**62.**—(1) The defendant may make an offer to settle for one sum of money as compensation for his or her fault or neglect to all plaintiffs, without specifying the shares into which it is to be divided.

## PARTIE V

## DOMMAGES-INTÉRÊTS DUS AUX PERSONNES À CHARGE

**61** (1) Si une personne subit des lésions ou décède à cause de la faute ou de la négligence d'autrui dans des circonstances qui donnent à la victime le droit d'obtenir des dommages-intérêts, ou lui auraient donné ce droit si elle n'était pas décédée, le conjoint, au sens de la partie III (Obligations alimentaires), les enfants, les petits-enfants, les parents, les grands-parents, les frères et les sœurs de la victime ont le droit de recouvrer du tiers la perte pécuniaire qui résulte de la lésion ou du décès de la victime. Ils ont également le droit d'ester en justice à cette fin devant un tribunal compétent.

Action délictuelle des personnes à charge

(2) Les dommages-intérêts recouvrables dans le cadre de la demande présentée en vertu du paragraphe (1) peuvent comprendre en outre :

Dommages-intérêts en cas de lésion

- a) les débours normaux et réellement faits dans l'intérêt de la victime;
- b) les frais funéraires normaux et réellement faits;
- c) une indemnité raisonnable au titre des frais de déplacement réellement faits pour rendre visite à la victime pendant son traitement ou sa convalescence;
- d) si, en raison de la lésion, l'auteur de la demande fournit des services infirmiers, domestiques ou autres à la personne, une indemnité raisonnable au titre du manque à gagner, ou la valeur de ces services;
- e) un montant compensatoire au titre de la perte de conseils, de soins et de compagnie auxquels l'auteur de la demande aurait été raisonnablement en droit de s'attendre si la lésion ou le décès n'avait pas eu lieu.

(3) Dans une action intentée en vertu du paragraphe (1), le droit aux dommages-intérêts est assujéti au partage éventuel de la responsabilité entre la victime et le défendeur.

Partage de la responsabilité

(4) Aucune action n'est intentée en vertu du paragraphe (1) après l'expiration d'un délai de deux ans à compter de la naissance de la cause d'action.

Prescription

**62** (1) Le défendeur peut faire une offre de transaction selon laquelle il verse un montant global, à titre de réparation pour sa faute ou sa négligence, à tous les demandeurs, sans préciser les parts dues à chaque demandeur.

Offre d'un montant global

Apportion-  
ment

(2) If the offer is accepted and the compensation has not been otherwise apportioned, the court may, on motion, apportion it among the plaintiffs.

Payment  
before  
apportion-  
ment

(3) The court may direct payment from the fund before apportionment.

Payment  
may be  
postponed

(4) The court may postpone the distribution of money to which minors are entitled.

Assessment  
of damages,  
insurance

**63.** In assessing damages in an action brought under this Part, the court shall not take into account any sum paid or payable as a result of the death or injury under a contract of insurance.



(2) Si l'offre est acceptée et que le montant compensatoire n'a pas été réparti d'une autre façon, le tribunal peut, à la suite d'une motion, la répartir entre les demandeurs.

Répartition

(3) Le tribunal peut ordonner des versements avant la répartition du montant compensatoire.

Versement  
avant la  
répartition

(4) Le tribunal peut différer le versement de l'argent qui revient à des mineurs.

Remise du  
versement

**63** Le tribunal, lorsqu'il évalue des dommages-intérêts dans une action intentée en vertu de la présente partie, ne tient pas compte des sommes payées ou payables, à la suite du décès ou des lésions, en vertu d'une police d'assurance.

Évaluation  
des domma-  
ges-intérêts

## PART VI

## AMENDMENTS TO THE COMMON LAW

Unity of  
legal  
personality  
abolished

**64.**—(1) For all purposes of the law of Ontario, a married person has a legal personality that is independent, separate and distinct from that of his or her spouse.

Capacity of  
married  
person

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if he or she were an unmarried person and, in particular, has the same right of action in tort against his or her spouse as if they were not married.

Purpose  
of subss.  
(1, 2)

(3) The purpose of subsections (1) and (2) is to make the same law apply, and apply equally, to married men and married women and to remove any difference in it resulting from any common law rule or doctrine.

Actions  
between  
parent and  
child

**65.** No person is disentitled from bringing an action or other proceeding against another for the reason only that they are parent and child.

Recovery for  
prenatal  
injuries

**66.** No person is disentitled from recovering damages in respect of injuries for the reason only that the injuries were incurred before his or her birth.

Domicile  
of minor

**67.** The domicile of a person who is a minor is,

- (a) if the minor habitually resides with both parents and the parents have a common domicile, that domicile;
- (b) if the minor habitually resides with one parent only, that parent's domicile;
- (c) if the minor resides with another person who has lawful custody of him or her, that person's domicile; or
- (d) if the minor's domicile can not be determined under clause (a), (b) or (c), the jurisdiction with which the minor has the closest connection.

Parental  
liability  
for torts  
of child:  
onus of  
proof

**68.** In an action against a parent for damage to property or for personal injury or death caused by the fault or neglect of a child who is a minor, the onus of establishing that the parent exercised reasonable supervision and control over the child rests with the parent.

## PARTIE VI

MODIFICATIONS À LA *COMMON LAW*

**64** (1) Pour l'application de la loi de l'Ontario, il est reconnu à chaque personne mariée une personnalité juridique indépendante, séparée et distincte de celle de son conjoint.

Abolition de l'unité de personnalité

(2) Il est reconnu à la personne mariée la même capacité juridique à toute fin et en toute matière que si elle n'était pas mariée. Elle possède notamment le même droit d'action délictuelle contre son conjoint que s'ils n'étaient pas mariés.

Capacité de la personne mariée

(3) Les paragraphes (1) et (2) visent à soumettre aux mêmes règles juridiques, en toute égalité, les hommes mariés et les femmes mariées, en écartant toute différence consacrée par les règles ou la doctrine de la *common law*.

Objectif des par. (1) et (2)

**65** Les actions et instances ne sont pas irrecevables pour le seul motif qu'elles opposent l'enfant à son père ou à sa mère.

Actions entre l'enfant et son père ou sa mère

**66** La demande de dommages-intérêts pour lésions n'est pas irrecevable pour le seul motif que les lésions ont été infligées avant la naissance du demandeur.

Lésions subies avant la naissance

**67** Le domicile d'un mineur est l'un des suivants :

Domicile du mineur

- a) celui de son père et de sa mère, si le mineur réside habituellement avec eux et que ceux-ci ont le même domicile;
- b) celui de son père ou de sa mère, selon la personne chez qui le mineur réside habituellement;
- c) celui de la personne qui n'est ni son père, ni sa mère, mais qui en a la garde légitime;
- d) la compétence territoriale avec laquelle le mineur a les liens les plus étroits, s'il est impossible d'établir son domicile en vertu des alinéas a), b) ou c).

**68** Dans une action contre le père ou la mère en raison de dommages occasionnés à des biens ou de lésions ou de décès qui résultent de la faute ou de la négligence d'un enfant mineur, le fardeau de prouver que le père ou la mère a raisonnablement surveillé l'enfant revient à celui-ci ou à celle-là.

Fardeau de la preuve

## GENERAL

## Regulations

**69.** The Lieutenant Governor in Council may make regulations respecting any matter referred to as prescribed by the regulations.

Application  
of ss. 5-8

**70.**—(1) Sections 5 to 8 apply unless,

R.S.O. 1980,  
c. 152

(a) an application under section 4 of the *Family Law Reform Act* was adjudicated or settled before the 4th day of June, 1985; or

(b) the first spouse's death occurs before the day this Act comes into force.

Extension of  
limitation  
period

(2) The limitation period set out in clause 7 (3) (b) does not expire until six months after this Act comes into force.

Application  
of Part II

(3) Part II (Matrimonial Home) applies unless a proceeding under Part III of the *Family Law Reform Act* to determine the rights between spouses in respect of the property concerned was adjudicated or settled before the 4th day of June, 1985.

Interpretation  
of existing  
contracts

(4) A separation agreement or marriage contract that is validly made before the day this Act comes into force and that excludes a spouse's property from the application of sections 4 and 8 of the *Family Law Reform Act*,

(a) shall be deemed to exclude that property from the application of section 5 of this Act; and

(b) shall be read with necessary modifications.

**71.**—(1) The *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, except the title, subsection 27 (1) and sections 69, 70 and 71, is repealed.

(2) Subsection 27 (1) of the *Family Law Reform Act* is repealed.

(3) Section 3 of the *Children's Law Reform Amendment Act*, 1982, being chapter 20, section 179 of the *Courts of Justice Act*, 1984, being chapter 11, section 10 of the *Courts of Justice Amendment Act*, 1984, being chapter 64 and section 18 of the *Land Registration Reform Act*, 1984, being chapter 32, are repealed.

## DISPOSITIONS GÉNÉRALES

**69** Le lieutenant-gouverneur en conseil peut, par règlement, traiter de tout point mentionné comme étant prescrit par les règlements.

Règlements

**70** (1) Les articles 5 à 8 s'appliquent :

Champ d'application des articles 5 à 8

a) à moins qu'il n'ait été statué, avant le 4 juin 1985, sur une requête présentée en vertu de l'article 4 de la *Loi portant réforme du droit de la famille* ou à moins qu'une telle requête n'ait fait l'objet d'une transaction avant cette date;

L.R.O. 1980, chap. 152

b) à moins que le premier conjoint ne décède avant le jour de l'entrée en vigueur de la présente loi.

(2) Le délai de prescription précisé à l'alinéa 7 (3) b) ne prend fin qu'à l'expiration de six mois après l'entrée en vigueur de la présente loi.

Prorogation du délai de prescription

(3) La partie II (Foyer conjugal) s'applique à moins qu'il n'ait été statué, avant le 4 juin 1985, sur une instance introduite en vertu de la partie III de la *Loi portant réforme du droit de la famille* pour déterminer les droits entre les conjoints à l'égard du bien visé ou à moins qu'une telle instance n'ait fait l'objet d'une transaction avant cette date.

Champ d'application de la partie II

(4) L'accord de séparation ou le contrat de mariage valablement fait avant l'entrée en vigueur de la présente loi et qui exclut les biens d'un conjoint du champ d'application des articles 4 et 8 de la *Loi portant réforme du droit de la famille* :

Interprétation des contrats existants

a) d'une part, est réputé exclure ces biens du champ d'application de l'article 5 de la présente loi;

b) d'autre part, doit se lire avec les adaptations nécessaires.

**71** (1) La *Loi portant réforme du droit de la famille*, qui constitue le chapitre 152 des Lois refondues de l'Ontario de 1980, à l'exception du titre, du paragraphe 27 (1) et des articles 69, 70 et 71, est abrogée.

(2) Le paragraphe 27 (1) de la *Loi portant réforme du droit de la famille* est abrogé.

(4) The title to the *Family Law Reform Act* is repealed and the following substituted therefor:

DOWNER AND MISCELLANEOUS ABOLITION ACT

**72.** Subsection 12 (2) of the *Ontario Municipal Employees Retirement System Act*, being chapter 348 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Application  
of subs. (1)

(2) Notwithstanding subsection (1), payment to a person out of the Fund is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

**73.** Subsection 27 (3) of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 2, section 5, is repealed.

**74.** Subsection 34 (4) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 22, section 15, is repealed.

**75.** Subsection 43 (3) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed.

Commence-  
ment

**76.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**77.** The short title of this Act is the *Family Law Act, 1986*.



(3) L'article 3 de la *Loi de 1982 modifiant la Loi portant réforme du droit de l'enfance*, qui constitue le chapitre 20, l'article 179 de la *Loi de 1984 sur les tribunaux judiciaires*, qui constitue le chapitre 11, l'article 10 de la *Loi de 1984 modifiant la Loi sur les tribunaux judiciaires*, qui constitue le chapitre 64, et l'article 18 de la *Loi de 1984 portant réforme de l'enregistrement des droits immobiliers*, qui constitue le chapitre 32, sont abrogés.

(4) Le titre de la *Loi portant réforme du droit de la famille* est abrogé et remplacé par ce qui suit :

DOWER AND MISCELLANEOUS ABOLITION ACT

**72** Le paragraphe 12 (2) de la *Loi sur le régime de retraite des employés municipaux de l'Ontario*, qui constitue le chapitre 348 des Lois refondues de l'Ontario de 1980, est abrogé et remplacé par ce qui suit :

(2) Notwithstanding subsection (1), payment to a person out of the Fund is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Application  
of subs. (1)

**73** Le paragraphe 27 (3) de la *Loi sur les régimes de retraite*, qui constitue le chapitre 373 des Lois refondues de l'Ontario de 1980, tel qu'il est adopté par l'article 5 du chapitre 2 des Lois de l'Ontario de 1983, est abrogé.

**74** Le paragraphe 34 (4) de la *Loi sur le régime de retraite des fonctionnaires*, qui constitue le chapitre 419 des Lois refondues de l'Ontario de 1980, tel qu'il est adopté par l'article 15 du chapitre 22 des Lois de l'Ontario de 1984, est abrogé.

**75** Le paragraphe 43 (3) de la *Loi de 1983 sur les régimes de retraite des enseignants*, qui constitue le chapitre 84, est abrogé.

**76** La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Entrée en  
vigueur

**77** Le titre abrégé de la présente loi est *Loi de 1986 sur le droit de la famille*.

Titre abrégé



## CHAPTER 5

### An Act respecting Science North

*Assented to January 17th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“Board” means the board of trustees of the Centre;

“Centre” means Science North;

“Minister” means the Minister of Citizenship and Culture or such other member of the Executive Council as the Lieutenant Governor in Council designates.

**2.**—(1) The corporation without share capital incorporated by letters patent dated the 8th day of December, 1980 and known as Sudbury Science Centre is continued under the name of “Science North” and “Science Nord” and the Centre may be legally designated by either or both names.

Sudbury  
Science  
Centre  
continued  
as Science  
North/Science  
Nord

(2) The Centre shall consist of the trustees of the Board.

Idem

(3) The Centre shall have a seal, which shall be adopted by the Board by by-law.

Seal

(4) The fiscal year of the Centre begins on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal  
year

(5) The *Corporations Act* does not apply to the Centre.

R.S.O. 1980,  
c. 95 not  
to apply

(6) The letters patent of the Centre are revoked but the revocation of the letters patent does not affect the rights or obligations of the Centre or any by-law, resolution or appointment of the Centre except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Letters  
patent  
revoked

Services in  
French and  
English

(7) The programs and services of the Centre shall be available in both French and English.

Objects of  
the Centre

**3.** The objects of the Centre are,

- (a) to depict to the public and to conduct a program of education, throughout northern Ontario, in the origins, development and progress of science and technology and their relationship to society;
- (b) to operate and maintain a model mine;
- (c) to collect, develop and exhibit objects and displays and to maintain and operate a museum, science centre and related facilities for the furtherance of the objects of the Centre;
- (d) to stimulate the interest of the public, throughout northern Ontario, in matters depicted by the Centre; and
- (e) to develop, produce and market exhibits and to sell exhibits and provide consulting services.

Board of  
trustees

**4.—(1)** The affairs of the Centre shall be managed and controlled by the Board which shall consist of at least fifteen trustees appointed by the Lieutenant Governor in Council for a term of three years.

Initial  
terms of  
office

(2) Notwithstanding subsection (1), on the first appointment of trustees, as nearly as possible, one-third shall be appointed for a one-year term, one-third shall be appointed for a two-year term and one-third shall be appointed for a three-year term.

Vacancies

(3) Where a vacancy occurs on the Board, the vacancy may be filled for the remainder of the term by appointment in the same manner as the original appointment.

Re-election  
and  
reappointment

(4) A trustee may be reappointed but may not serve for more than two terms.

Chairman,  
vice-chairman

(5) The Lieutenant Governor in Council shall designate one of the trustees as chairman and another as vice-chairman of the Board.

Compensation

(6) The trustees shall serve without compensation and no trustee shall directly or indirectly receive any remuneration but reasonable expenses incurred by a trustee in the performance of his or her duty may be paid.

(7) A majority of the trustees constitutes a quorum of the Board. Quorum

(8) Notwithstanding subsection (1), the persons who were directors of the Centre immediately before the coming into force of this Act are the first trustees of the Centre under this Act and shall be the trustees of the Centre until the Board is reorganized in accordance with subsection (1). First Board, reorganization, etc.

**5.**—(1) The Board has all the powers necessary or convenient to perform its duties or achieve the objects of the Centre. Powers of Board

(2) The Centre is for all purposes an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. Crown agency

(3) The Board may, subject to the approval of the Minister, make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs. By-laws

(4) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law. Delegation to committees

(5) The Board is responsible to the Minister. Responsible to Minister

(6) The chairman shall preside at all meetings of the Board and, in the chairman's absence or if that office is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman. Chairman

**6.**—(1) The Board, with the approval of the Minister, may appoint a director of the Centre and the Board may appoint other officers and employees as are considered necessary for the proper conduct of the business of the Centre. Officers and employees

(2) The director of the Centre shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Centre. Remuneration of director

(3) The Board, with the approval of the Minister, may fix the salaries and benefits of the officers and employees of the Centre and may provide for the retirement and superannuation of such persons. Salaries, etc., of employees

(4) The director of the Centre shall have the management and administration of the Centre, subject to the supervision and direction of the Board. Duties of director

Funds

**7.**—(1) The moneys for the purposes of the Centre shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Board may acquire property for the Centre by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such property in the promotion of its objects, subject to the terms, if any, upon which the property was acquired.

Surplus money

(3) Any surplus money shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund.

Tax exemption  
R.S.O. 1980,  
c. 454  
Deemed exemption  
R.S.O. 1980,  
cc. 441, 31

**8.**—(1) The Centre is exempt from taxes imposed under any Act of the Legislature except the *Retail Sales Tax Act*.

(2) For the purposes of subsection 71 (10) of the *Regional Municipality of Sudbury Act*, the exemption of real property from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

General fund

**9.**—(1) The Board shall establish and maintain a general fund for the Centre which shall consist of all money received by the Centre from any source, except money referred to in subsection 10 (1).

Idem

(2) The Board may expend money from the general fund of the Centre for the purposes set out in clauses 3 (a), (b), (c) and (d).

Investment of funds

(3) Money in the general fund of the Centre that is not immediately required for the Centre's purposes, and the proceeds of all property that comes to the Centre, subject to any trust affecting them, may be invested in such investments as the Board considers proper and that are permissible for trustees under the *Trustee Act*.

R.S.O. 1980,  
c. 512

Special fund

**10.**—(1) The Board shall establish and maintain a special fund for the Centre which shall consist of all money received from the sale of exhibits, the provision of consulting services and the income from any investment made under subsection (3).

Idem

(2) The Board may expend money from the special fund of the Centre only for the purposes set out in clause 3 (e).

Investment of funds

(3) Money in the special fund of the Centre that is not immediately required for the purposes set out in clause 3 (e)



may be invested in such investments as the Board considers proper and that are permissible for trustees under the *Trustee Act*. R.S.O. 1980,  
c. 512

**11.** Subject to the approval of the Lieutenant Governor in Council, the Board may borrow money for the purposes of the Centre upon the credit of the Centre and may give such security against any property of the Centre by way of mortgage, debenture or otherwise as the Board determines. Borrowing  
power

**12.** Nothing in this Act authorizes the Centre to alienate or use as security any real or personal property given, devised or bequeathed to it with a condition annexed to the gift that the property not be alienated or used as security. Trust  
property

**13.** The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Centre annually. Auditors  
R.S.O. 1980,  
c. 405

**14.** Upon the dissolution of the Centre and after the payment of all debts and liabilities, the remaining property of the Centre is vested in Her Majesty in right of Ontario. Dissolution

**15.** The Board shall make to the Minister an annual report on the affairs of the Centre and such other reports as the Minister may request and the Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual  
report, etc.

**16.—**(1) The Lieutenant Governor in Council may make regulations, Regulations

(a) establishing one or more endowment funds in furtherance of the objects of the Centre, and governing such funds; and

(b) regulating and governing the use by the public of the facilities, property and equipment of the Centre.

(2) A person who contravenes a regulation made under clause (1) (b) is guilty of an offence and on conviction is liable to a fine of not more than \$100. Penalty

**17.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**18.** The short title of this Act is the *Science North Act*, 1986. Short title



## CHAPTER 6

### An Act respecting Amusement Devices

*Assented to January 17th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,

Definitions

“amusement device” means a machine, contrivance, structure or vehicle used in an amusement park to entertain members of the public by moving them or causing them to be moved;

“amusement park” means a facility, open to the public, used in connection with a carnival, fair, shopping centre, resort, park or place of entertainment where amusement devices are provided;

“Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations;

“Director” means the Director of the Elevating Devices Branch of the Ministry;

“licensee” means a person licensed under this Act;

“Ministry” means the Ministry of Consumer and Commercial Relations;

“prescribed” means prescribed by the regulations;

“regulations” means the regulations made under this Act.

#### 2. This Act does not apply to,

Non-application

- (a) amusement devices operated by muscular power only that are provided for children in a public park, playground or similar facility;
- (b) coin-operated amusement devices designed for one or two children;

(c) trains, vehicles or conveyances operated solely for transportation purposes; or

R.S.O. 1980,  
c. 135

(d) devices regulated under the *Elevating Devices Act*.

Licence  
required

**3.** No person shall carry on the business of operating amusement devices except under the authority of and in accordance with a licence.

Liability  
insurance

**4.** Every person who carries on the business of operating amusement devices shall procure and maintain liability insurance in respect of the operation of the business in an amount not less than a prescribed amount.

Permit  
required

**5.—(1)** No person shall operate an amusement device unless there is a current permit issued by the Director for the device.

Entitlement  
to  
permit

(2) Every applicant for a permit for an amusement device is entitled to the permit upon the prescribed conditions being met.

Restrictions

(3) Any permit may be granted subject to such prescribed restrictions as the Director considers appropriate.

Changes  
require  
consent

(4) No person shall significantly alter an amusement device after a permit has been issued for it without express consent of the Director.

Unsafe  
operation

**6.—(1)** No person shall operate an amusement device or cause or permit it to be operated,

(a) if that person knows or could reasonably be expected to know that the device is not safe to operate;

(b) in an unsafe manner; or

(c) using an unsafe practice.

Consent  
to operate

(2) No person shall operate or cause or permit the operation of an amusement device that is involved in an accident that results in the death or serious injury to any person without the consent of the Director.

Tampering

(3) No person shall remove, displace, interfere with or damage any device installed in or about an amusement device for its safe operation.

7.—(1) Every applicant for a licence under this Act who meets the prescribed conditions is entitled to receive the licence.

Licence

(2) The Director may refuse to grant a licence to any applicant who does not meet the prescribed conditions.

Refusal to  
licence

(3) Any licence may be granted subject to such prescribed restrictions as the Director considers appropriate.

Restrictions

8.—(1) The Director may, after a hearing, revoke or suspend any licence if the licensee is in contravention of any provision of this Act or the regulations or of a restriction or condition in the licence or cancel any permit if there is a contravention of a restriction or condition in the permit.

Revocation  
or suspension

(2) A revocation, suspension or cancellation under subsection (1) does not take effect until final disposition of an appeal or the expiration of the thirty-day period for appeal without an appeal being filed.

Delayed  
effect

9.—(1) Where the Director refuses to,

Appeals

- (a) issue a permit for an amusement device;
- (b) consent to an alteration to an amusement device;
- (c) grant a licence; or
- (d) revoke an order made under section 12,

or where the Director,

- (e) grants a permit or licence subject to restrictions;
- (f) cancels a permit; or
- (g) revokes or suspends a licence,

the applicant, permit holder or licensee, as the case may be, may appeal to the District Court by filing a notice of appeal within thirty days after receiving notice of the Director's decision.

(2) On an appeal under subsection (1), the Court may order the Director to take such action as the Court considers proper.

Idem

(3) The Director is a party to every appeal under this section.

Director  
is party

## Inspectors

**10.**—(1) The Deputy Minister may designate in writing any employee of the Crown as an inspector for the purpose of this Act.

## Powers

(2) For the purposes of this Act and the regulations, an inspector designated under subsection (1) or a police officer,

- (a) may enter on any grounds or premises, without warrant, wherein there is reason to believe that an amusement device is being operated, installed or repaired, to inspect or observe the operation of the device;
- (b) may enter on any grounds or premises, at any time reasonable in the circumstances, to inspect an amusement device;
- (c) may require any licensee to produce for inspection any licence, permit, report, record or other document that the licensee is required to have by this Act or the regulations;
- (d) may require any licensee to co-operate in and assist with an inspection; and
- (e) may inspect and test any amusement device or inspect any document that may be required to be produced under clause (c).

## Assistants

(3) In the exercise of a power under subsection (2), an inspector or police officer may be accompanied by such experts or assistants as may be helpful in the exercise of the power.

## Interpretation

(4) In subsection (2), “premises” does not include a dwelling.

Offences:  
no  
obstruction

**11.**—(1) No person shall obstruct or interfere with a person exercising a power under subsection 10 (2).

production  
of documents

(2) No person shall refuse or fail to produce a document that is required under clause 10 (2) (c).

false  
information,  
etc.

(3) Where information is required to be furnished or a document is required to be provided or produced under this Act or the regulations, no person furnishing such information or providing or producing such document shall furnish false information or provide or produce a false document.

Order not  
to use

**12.**—(1) An inspector who,

- (a) is of the opinion that an amusement device is not being operated safely or can not be operated safely; or
- (b) has reason to believe that an amusement device will be operated unsafely,

may order that the device not be operated or used and may affix a seal thereto.

(2) An inspector may revoke any order made under subsection (1) upon being satisfied that a potential danger no longer exists. Revocation of order

(3) No person shall operate or cause or permit the operation of an amusement device in contravention of an order issued under subsection (1). Offence: re operation

(4) No person shall remove a seal affixed by an inspector without the consent of an inspector. removal of seal

(5) Subsection (4) does not apply upon the order that was made when the seal was affixed being revoked. When order revoked

**13.**—(1) Any person affected by an order under subsection 12 (1) may appeal at any time to the Director in writing. Appeal

(2) Upon receiving an appeal under subsection (1), the Director shall hold a hearing as soon as is reasonably possible. Hearing

(3) After a hearing, the Director shall revoke the order that is the subject-matter of the hearing if the Director is satisfied that a potential danger does not exist or shall affirm the order if the Director is not so satisfied. Decision

**14.** The Director may issue a certificate as to the registration or non-registration of an amusement device, the existence or non-existence of a licence, the revocation or suspension of a licence or the restrictions to which a licence is subject and every such certificate is proof, in the absence of evidence to the contrary, of the facts stated in it, without any proof of appointment or signature. Certificate by Director

**15.**—(1) An inspector shall not disclose to any person any information or document obtained under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations. Disclosure of information

(2) The Director may disclose any information, documents or test results obtained under this Act and the regulations. Idem



Notification  
of accident

**16.**—(1) Every operator of an amusement device that is involved in the death or serious injury of a person shall ensure that the Director is immediately notified of the incident.

Idem

(2) Every operator of an amusement device that is involved in an accident or an incident that indicates the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the incident and shall submit to the Director, within seven days after the incident, a written report setting out full particulars of the incident.

Disturbing  
evidence

(3) No person, except for the purpose of rescuing a person injured in the accident, shall interfere with an amusement device involved in the death or serious injury of a person or disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident without permission of an inspector.

Penalty

**17.**—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both, or if the person is a body corporate, to a fine of not more than \$25,000.

Idem

(2) Where a body corporate is guilty of an offence under subsection (1), every director or officer of the body corporate who, without reasonable cause, authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

**18.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the registration of amusement devices and the issuing of permits therefor and prescribing the requirements to be met as conditions for registration and the issue of a permit;
- (b) prescribing conditions to be met for entitlement for a licence;
- (c) prescribing conditions and requirements for maintaining a licence or a permit;
- (d) prescribing forms and providing for their use;

- (e) prescribing information to be reported and providing for reports including the frequency, time and manner for reporting;
- (f) prescribing the information, records and documents to be kept;
- (g) prescribing classes of amusement devices;
- (h) prescribing classes of licensees;
- (i) regulating the use, location, design, construction, installation, blocking, operating, dismantling, removing, alteration, repair, maintenance, service, testing, transportation and inspection of amusement devices, parts thereof and equipment used in conjunction therewith;
- (j) prescribing qualifications, training and experience required by operators, attendants and mechanics working with amusement devices and prohibiting persons without the prescribed qualifications, training or experience from working with or being employed to work with amusement devices;
- (k) prescribing notices and markings to be used in conjunction with amusement devices and requiring their use;
- (l) prescribing conditions for the purposes of subsection 5 (3) or 7 (3);
- (m) prescribing fees;
- (n) exempting any amusement device or person or class or type thereof from any provision of this Act or the regulations;
- (o) prescribing, for the purpose of section 4, the minimum amount of liability insurance that applies to any class or type of operation.

(2) Any regulation may be general or specific in its application. Idem

(3) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code adopted. Codes

Variance  
by Director

(4) The Director may allow a variance from any code adopted under the regulations where, in the opinion of the Director, the variance would not detrimentally affect the safety of the amusement device.

Use of new  
codes, etc.

(5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified.

Commence-  
ment

**19.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**20.** The short title of this Act is the *Amusement Devices Act, 1986*.



## CHAPTER 7

**An Act to revise  
the Change of  
Name Act**

*Assented to January 20th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Definitions

**1.** In this Act,

"change- ment"	"change" means any change by way of alteration, substitution, addition or abandonment;
"enfant"	"child" means a person under the age of eighteen years;
"tribunal"	"court" means the Provincial Court (Family Division);
"déposer"	"file" means file in the office of the Registrar General;
"déclaration commune"	"joint declaration" means the declaration referred to in sub- section 3 (6);
"prescrit"	"prescribed" means prescribed by the regulations made under this Act;
"registraire général" R.S.O. 1980, c. 524	"Registrar General" means the Registrar General under the <i>Vital Statistics Act</i> ;
"conjoint" R.S.O. 1980, c. 152	"spouse" has the same meaning as in Part I of the <i>Family Law Reform Act</i> .

Person's  
name**2.—(1)** For all purposes of Ontario law,

- (a) a person whose birth is registered in Ontario is entitled to be recognized by the name appearing on the person's birth certificate or change of name certificate, unless clause (c) applies;
- (b) a person whose birth is not registered in Ontario is entitled to be recognized by,

## CHAPITRE 7

### Loi portant révision de la Loi sur le changement de nom

*Sanctionnée le 20 janvier 1986*

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** Les définitions qui suivent s'appliquent à la présente loi. Définitions

- |   |   |
|---|---|
| «changement» Changement effectué par modification, substitution, addition ou abandon.                       | «change»  |
| «conjoint» S'entend au sens de la première partie de la <i>Loi portant réforme du droit de la famille</i> . | «spouse»<br>L.R.O. 1980,<br>chap. 152               |
| «déclaration commune» La déclaration visée au paragraphe 3 (6).   | «joint<br>declaration»                              |
| «déposer» Déposer auprès du registraire général.  | «file»  |
| «enfant» Personne qui a moins de dix-huit ans.  | «child»   |
| «prescrit» Prescrit par les règlements pris en application de la présente loi.                              | «prescribed»  |
| «registraire général» Le registraire général aux termes de la <i>Loi sur l'état civil</i> .                 | «Registrar<br>General»<br>L.R.O. 1980,<br>chap. 524 |
| «tribunal» La Cour provinciale (Division de la famille).  | «court»   |

**2** (1) À toutes les fins de la loi de l'Ontario : Nom de la personne

- a) la personne dont la naissance a été enregistrée en Ontario a le droit d'être connue sous le nom qui figure dans son certificat de naissance ou de changement de nom, à moins que l'alinéa c) ne s'applique;
- b) la personne dont la naissance n'a pas été enregistrée en Ontario a le droit d'être connue :

- (i) the name appearing on the person's change of name certificate, if the person's name has been changed under this Act or a predecessor of it, or
- (ii) in all other cases, the name recognized in law in the last place with which the person had a real and substantial connection before residing in Ontario,

unless clause (c) applies; and

- (c) a person who adopted a name on marriage before the coming into force of this Act is entitled to be recognized by that name unless the person subsequently changed that name under this Act or a predecessor of it.

Saving

(2) Nothing in this Act shall be deemed to affect a change of name effected under a right that existed at law before the 26th day of June, 1939.

Surname  
and  
forename

(3) A person's name may not be changed under this Act so as to include no surname or so as to include no forename.

#### ELECTION BY SPOUSE

Election  
by spouse  
to change  
surname

**3.—(1)** A spouse may, at any time while married, elect in the prescribed manner,

- (a) to change his or her surname to,
  - (i) the surname that the other spouse had immediately before their marriage,
  - (ii) a surname consisting of the surnames that both spouses had immediately before their marriage, hyphenated or combined; or
- (b) to resume the surname that the spouse had immediately before the marriage.

Resuming  
name when  
marriage  
dissolved

(2) Within ninety days after a marriage is dissolved by divorce, annulment or death, the former spouse may elect in the prescribed manner to resume the surname that the spouse had immediately before the marriage.

Procedure

(3) A person who wishes to elect under subsection (1) or (2) shall pay the prescribed fee and provide the prescribed docu-



- (i) sous le nom qui figure dans son certificat de changement de nom, si le nom de la personne a été changé en vertu de la présente loi ou d'une loi qu'elle remplace,
- (ii) sous le nom reconnu par les lois du dernier ressort avec lequel elle avait un lien étroit et véritable, dans tous les autres cas,

à moins que l'alinéa c) ne s'applique;

- c) la personne qui, avant l'entrée en vigueur de la présente loi, a pris un nom lors de son mariage, a le droit d'être connue sous ce nom à moins qu'elle ne l'ait changé par la suite en vertu de la présente loi ou d'une loi que celle-ci remplace.

(2) La présente loi n'a pas pour effet de porter atteinte au changement de nom effectué en vertu d'un droit légalement reconnu avant le 26 juin 1939. Réserve

(3) Le nom d'une personne ne peut être changé en vertu de la présente loi de façon à ne pas comporter de nom de famille, ou de façon à ne pas comporter de prénom. Nom de famille et prénom

#### CHOIX PAR LE CONJOINT

**3** (1) Pendant que dure le mariage, le conjoint peut choisir, de la manière prescrite : Choix d'effectuer un changement du nom de famille

- a) de changer son nom de famille pour :

- (i) le nom de famille que portait l'autre conjoint immédiatement avant leur mariage,
- (ii) un nom de famille qui se compose des noms de famille que portaient les conjoints immédiatement avant leur mariage, réunis ou reliés par un trait d'union;

- b) de reprendre le nom de famille qu'il portait immédiatement avant le mariage.

(2) Dans les quatre-vingt-dix jours de la dissolution du mariage par le divorce, l'annulation ou la mort, l'ancien conjoint peut choisir de la manière prescrite de reprendre le nom de famille qu'il portait immédiatement avant le mariage. Choix de reprendre le nom

(3) La personne qui désire faire le choix prévu au paragraphe (1) ou (2) verse les droits et fournit les documents prescrits, accompagnés de tous les certificats de naissance et Procédure

ments, accompanied by all birth certificates and change of name certificates that are in the person's possession.

- Certificate (4) On receiving the fee and documents, the Registrar General shall,
- (a) if the person's birth was registered in Ontario, register the change of name, note it on the birth registration and issue a change of name certificate and a new birth certificate to the person; and
  - (b) if the person's birth was not registered in Ontario, register the change of name and issue a change of name certificate to the person.
- Application (5) This section applies to spouses whether married before or after the coming into force of this Act.
- Joint declaration of conjugal relationship (6) Subsection (1) applies with necessary modifications to a man and woman who file a joint declaration in the prescribed form acknowledging that they live together in a conjugal relationship outside marriage.
- Revocation of joint declaration (7) Subsection (2) applies with necessary modifications to a man and woman who have filed a joint declaration if one of them files a declaration, in the prescribed form, stating that the relationship has ended.
- No notice required (8) A person who elects to change his or her surname under this section need not notify the other spouse or other person.

#### CHANGE OF NAME OF PERSON OVER SIXTEEN

- Application for change of name **4.—**(1) A person at least sixteen years of age who has been ordinarily resident in Ontario for at least one year immediately before making the application may apply to the Registrar General in accordance with section 6 to change his or her forename or surname or both.
- Notice to spouse, etc. (2) An applicant who is a spouse or has filed a joint declaration that has not been revoked shall give the other spouse or other person notice of the application.

de changement de nom de la personne qui se trouvent en sa possession.

(4) Lorsqu'il reçoit les droits et les documents, le registraire général : Certificat

- a) si la naissance de la personne a été enregistrée en Ontario, enregistre le changement de nom, l'inscrit sur son acte de naissance et lui délivre un certificat de changement de nom ainsi qu'un nouveau certificat de naissance;
- b) si la naissance de la personne n'a pas été enregistrée en Ontario, enregistre le changement de nom et lui délivre un certificat de changement de nom.

(5) Le présent article s'applique aux conjoints, qu'ils se soient mariés avant ou après l'entrée en vigueur de la présente loi. Champ d'application

(6) Le paragraphe (1) s'applique, avec les adaptations nécessaires, à l'homme et à la femme qui déposent une déclaration commune rédigée selon la forme prescrite qui reconnaît qu'ils cohabitent dans une union conjugale hors du mariage. Déclaration commune

(7) Le paragraphe (2) s'applique, avec les adaptations nécessaires, à l'homme et à la femme qui ont déposé une déclaration commune si l'un d'eux dépose une déclaration rédigée selon la forme prescrite qui affirme que l'union conjugale a pris fin. Révocation

(8) La personne qui choisit de changer son nom en vertu du présent article n'est pas tenue d'en aviser l'autre conjoint ou l'autre personne. Avis non requis

#### CHANGEMENT DE NOM DE LA PERSONNE AYANT PLUS DE SEIZE ANS

**4** (1) La personne âgée d'au moins seize ans qui a résidé ordinairement en Ontario pendant les douze mois, au moins, qui ont précédé la présentation de la demande, peut demander au registraire général, conformément à l'article 6, que son prénom, son nom de famille ou les deux soient changés. Demande de changement de nom

(2) Si l'auteur de la demande est un conjoint ou qu'il a déposé une déclaration commune qui n'a pas été révoquée, il donne avis de la demande à l'autre conjoint ou à l'autre personne. Avis au conjoint, etc.

Consent  
required  
where  
applicant  
under 18

(3) An application by a child requires the written consent of every person who has lawful custody of the child.

Application  
to dispense  
with  
consent

(4) If the required consent can not be obtained or is refused, the child may apply to the court for an order dispensing with the consent.

How  
application  
determined

(5) The court shall determine an application under subsection (4) in accordance with the best interests of the child.

#### CHANGE OF CHILD'S NAME

Application  
to change  
child's  
name

**5.—**(1) A person with lawful custody of,

- (a) a child whose birth was registered in Ontario and who is ordinarily resident there; or
- (b) a child who has been ordinarily resident in Ontario for at least one year immediately before the application is made,

may apply to the Registrar General in accordance with section 6 to change the child's forename or surname or both, unless a court order or separation agreement prohibits the change.

Consents  
required

(2) The application under subsection (1) requires the written consent of,

- (a) any other person with lawful custody of the child;
- (b) any person whose consent is necessary in accordance with a court order or separation agreement; and
- (c) the child, if the child is twelve years of age or older.

Where child  
lacks  
capacity

(3) Clause (2) (c) does not apply if a legally qualified medical practitioner states in writing, not more than one year before the application is made, that in his or her opinion the child does not have capacity to consent.

Application  
to dispense  
with consent

(4) If the required consent can not be obtained or is refused, the person seeking to change the child's name may apply to the court for an order dispensing with that consent.

(3) Si l'auteur de la demande est un enfant, le consentement écrit de chaque personne en ayant la garde légitime est requis. Consentement à la demande d'un enfant

(4) S'il est impossible d'obtenir le consentement ou s'il est refusé, l'enfant peut présenter une requête pour que le tribunal le dispense de l'obligation d'obtenir le consentement. Requête pour dispenser du consentement

(5) Le tribunal règle la requête dans l'intérêt véritable de l'enfant. Critère

#### CHANGEMENT DE NOM DE L'ENFANT

**5** (1) La personne ayant la garde légitime : Demande de changement de nom de l'enfant

- a) d'un enfant dont la naissance a été enregistrée en Ontario et qui y réside ordinairement;
- b) d'un enfant qui a résidé ordinairement en Ontario pendant les douze mois, au moins, qui ont précédé la présentation de la demande,

peut demander au registraire général, conformément à l'article 6, que le prénom ou le nom de famille de l'enfant, ou les deux, soient changés, à moins qu'une ordonnance ou un accord de séparation n'interdise le changement.

(2) Le consentement écrit des personnes suivantes est requis pour présenter la demande : Consentements requis

- a) toute autre personne ayant la garde légitime de l'enfant;
- b) toute personne dont le consentement est nécessaire aux termes d'une ordonnance ou d'un accord de séparation;
- c) l'enfant, s'il est âgé de douze ans ou plus.

(3) L'alinéa (2) c) ne s'applique pas si un médecin dûment qualifié donne, dans les douze mois avant la présentation de la demande, son avis écrit que l'enfant ne peut pas donner son consentement en raison du fait qu'il ne jouit pas de toutes ses facultés mentales. L'enfant qui ne jouit pas de toutes ses facultés mentales

(4) S'il est impossible d'obtenir le consentement ou s'il est refusé, l'auteur de la demande peut présenter une requête pour que le tribunal le dispense de l'obligation d'obtenir le consentement. Requête pour dispenser du consentement

How  
application  
determined

(5) The court shall determine an application under subsection (4) in accordance with the best interests of the child.

Notice to  
persons  
with access

(6) The applicant under subsection (1) shall give notice of the application to every person who is lawfully entitled to access to the child.

Notice to  
spouse, etc.

(7) An applicant who proposes to change the child's surname to the surname of the applicant's spouse or of a person with whom the applicant has filed a joint declaration that has not been revoked shall give the spouse or other person notice of the application.

#### PROCEDURE

Definition

**6.—**(1) In this section, “application” means an application made under subsection 4 (1) or 5 (1).

Contents of  
application

(2) An application shall be in the prescribed form and shall state, by way of statutory declaration, in respect of the person to whose name the application relates,

- (a) the person's date and place of birth;
- (b) if the person is married, the full name, before marriage, of the person's spouse and the date and place of the marriage;
- (c) if the person has filed a joint declaration that has not been revoked, the full name of the other person who made the joint declaration, its date and the place where it was made;
- (d) the full names, and all former names, if known, of the person's father and mother;
- (e) the length of the person's residence in Ontario, and the person's current address;
- (f) in the case of an application under subsection 5 (1),
  - (i) that the applicant has lawful custody of the child,
  - (ii) that no court order or separation agreement prohibits the change of name that is sought,

(5) Le tribunal règle la requête dans l'intérêt véritable de l'enfant. Critère

(6) L'auteur de la demande en donne avis à quiconque a le droit de visiter l'enfant. Avis aux personnes ayant le droit de visite

(7) L'auteur de la demande qui se propose de changer le nom de famille de l'enfant pour celui du conjoint de l'auteur de la demande, ou pour le nom de famille du coauteur de la déclaration commune qui n'a pas été révoquée, donne avis de la demande à l'autre conjoint ou à l'autre personne. Avis au conjoint, etc.

#### PROCÉDURE

**6** (1) Pour l'application du présent article, «demande» s'entend de la demande présentée en vertu du paragraphe 4 (1) ou 5 (1). Définition «application»

(2) La demande est rédigée selon la formule prescrite et précise, dans une déclaration solennelle, les points suivants relativement à la personne dont la demande vise à changer le nom : Contenu de la demande

- a) la date et le lieu de sa naissance;
- b) si elle est mariée, les nom et prénoms que portait son conjoint avant le mariage, ainsi que la date et le lieu du mariage;
- c) si elle a déposé une déclaration commune qui n'a pas été révoquée, les nom et prénoms de l'autre personne, ainsi que la date de la déclaration et le lieu où elle a été faite;
- d) les noms et prénoms de son père et de sa mère, ainsi que leurs anciens noms, s'ils sont connus;
- e) la durée de sa résidence en Ontario, ainsi que son adresse actuelle;
- f) dans le cas d'une demande en vertu du paragraphe 5 (1) :
  - (i) que l'auteur de la demande a la garde légitime de l'enfant,
  - (ii) qu'aucun accord de séparation ni ordonnance n'interdit le changement de nom désiré,



(iii) whether a court order or separation agreement provides that the child's name shall not be changed without a person's consent and, if so, particulars of the order or agreement;

(g) particulars of every criminal offence of which the person has been convicted, except an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada);

R.S.C. 1970  
c. 12 (1st  
Supp.)

(h) particulars of every criminal offence of which the person has been found guilty under the *Young Offenders Act* (Canada), except an offence in respect of which that Act requires that the record be destroyed;

S.C. 1980-  
81-82-83,  
c. 110

(i) particulars of every unsatisfied order for payment of money, unsatisfied execution and pending court proceeding against the person of which he or she is aware;

(j) particulars of every,

(i) lien against or security interest in the person's personal property, and

(ii) financing statement that is registered under the *Personal Property Security Act* and names the person as debtor,

R.S.O. 1980,  
c. 375

of which he or she is aware;

(k) whether the person is an undischarged bankrupt and, if so, particulars of the bankruptcy;

(l) particulars of any change of name made before the current application;

(m) the proposed name;

(n) the reasons for the change of name;

(o) that every consent required for the application has been given or has been dispensed with by the court;

(p) that every person entitled to notice of the application has been given notice;

(q) that the application is not made for an improper purpose; and

- (iii) si un accord de séparation ou une ordonnance prévoient que le nom de l'enfant ne peut pas être changé sans le consentement d'une personne et, le cas échéant, les détails de l'accord ou de l'ordonnance;
- g) les détails de toute infraction criminelle de laquelle elle a été déclarée coupable, sauf l'infraction à l'égard de laquelle un pardon a été accordé en vertu de la *Loi sur le casier judiciaire* (Canada); S.R.C. 1970,  
chap. 12  
(1<sup>re</sup>)
- h) les détails de toute infraction criminelle de laquelle elle a été déclarée coupable en vertu de la *Loi sur les jeunes contrevenants* (Canada), sauf l'infraction à l'égard de laquelle cette loi exige que le dossier soit détruit; S.C. 1980-81-  
82-83,  
chap. 110
- i) les détails de chaque ordonnance de paiement et de chaque saisie-exécution non exécutées, ainsi que de chaque instance en cours, qui portent sur la personne et dont celle-ci a connaissance;
- j) les détails concernant ce qui suit dont elle a connaissance :
  - (i) tout privilège ou toute sûreté sur ses biens meubles,
  - (ii) tout état de financement enregistré en vertu de la *Loi sur les sûretés mobilières* dans lequel elle figure à titre de débiteur; L.R.O. 1980,  
chap. 375
- k) si la personne est un failli qui n'a pas obtenu sa libération et, le cas échéant, les détails de la faillite;
- l) les détails de tout changement de nom effectué avant la demande actuelle;
- m) le nom proposé;
- n) les motifs du changement de nom;
- o) que chaque consentement exigé pour présenter la demande a été donné, ou que le tribunal a permis d'y passer outre;
- p) que quiconque a le droit d'être avisé de la demande l'a été;
- q) que la demande n'est pas présentée dans un but illégitime;

(r) any other information that is prescribed.

Accompanying  
statement

(3) An application shall be accompanied by a statement in the prescribed form, made by a member of a prescribed class or, if no member of a prescribed class is available, any other person.

Idem

(4) If the author of the statement is a member of a prescribed class, it shall set out that the person to whose name the application relates is known to the author and has, to the author's knowledge, resided in Ontario for at least one year immediately before the making of the application or, if the person is less than one year old, since birth.

Idem

(5) If the author of the statement is a person who is not a member of a prescribed class, it shall set out that the person to whose name the application relates has been known to the author for at least five years or, if the person is less than five years old, since birth, and has, to the author's knowledge, resided in Ontario for at least one year immediately before the making of the application or, if the person is less than one year old, since birth.

Evidence of  
consent, etc.

(6) If a person's consent to an application is required, the applicant shall provide with the application that person's written consent or a certified copy of the order dispensing with that person's consent.

Evidence  
of notice

(7) If a person is entitled to notice of an application, the applicant shall provide, with the application,

- (a) an acknowledgment of notice, signed by the person entitled to notice; or
- (b) evidence satisfactory to the Registrar General that, at least thirty days before the filing of the application, notice and a copy of the application were sent by registered or certified mail to the last known address of the person entitled to notice.

Old  
certificates  
to be  
surrendered

(8) An application shall be accompanied by all birth certificates and change of name certificates of the person to whose name the application relates that are in the applicant's possession.

r) les autres renseignements prescrits.

(3) La demande est accompagnée de la déclaration, rédigée selon la formule prescrite, d'un membre d'une catégorie prescrite ou, si aucun membre d'une catégorie prescrite n'est disponible, d'une autre personne.

Déclaration  
qui accom-  
pagne la  
demande

(4) Si l'auteur de la déclaration est membre d'une catégorie prescrite, il y énonce qu'il connaît la personne dont la demande vise à changer le nom et qu'elle a, à la connaissance de ce dernier, résidé en Ontario pendant les douze mois, au moins, qui ont précédé la présentation de la demande ou, si la personne est âgée de moins d'un an, depuis sa naissance.

Idem

(5) Si l'auteur de la déclaration est une personne qui n'est pas membre d'une catégorie prescrite, elle y énonce qu'elle connaît la personne dont la demande vise à changer le nom depuis au moins cinq ans ou, si cette personne est âgée de moins d'un an, depuis sa naissance. L'auteur de la déclaration déclare également que la personne visée a, à sa connaissance, résidé en Ontario pendant les douze mois, au moins, qui ont précédé la présentation de la demande ou, si la personne est âgée de moins d'un an, depuis sa naissance.

Idem

(6) Si le consentement d'une personne est exigé pour la demande, l'auteur de la demande fournit avec la demande le consentement écrit de cette dernière, ou une copie certifiée conforme de l'ordonnance en vertu de laquelle il a été passé outre au consentement.

Preuve du  
consentement,  
etc.

(7) Si une personne a le droit d'être avisée de la demande, l'auteur de la demande fournit avec la demande :

Preuve que  
l'avis a été  
donné

- a) soit un accusé de réception d'avis, signé par la personne ayant le droit;
- b) soit une preuve qui paraît satisfaisante au registraire général et selon laquelle, au moins trente jours avant le jour où la demande est déposée, l'avis et une copie de la demande ont été envoyés par courrier recommandé ou certifié à la dernière adresse connue de la personne ayant le droit.

(8) La demande est accompagnée de tous les certificats de naissance et de changement de nom de la personne dont la demande vise à changer le nom qui se trouvent en la possession de l'auteur de la demande.

Anciens  
certificats

## DUTY OF REGISTRAR GENERAL

## Certificate

**7.**—(1) When an applicant under subsection 4 (1) or 5 (1) complies with the requirements of this Act and pays the prescribed fee,

- (a) if the birth of the person to whose name the application relates was registered in Ontario, the Registrar General shall register the change of name, note it on the birth registration and issue a change of name certificate and a new birth certificate to the person;
- (b) if the person's birth was not registered in Ontario, the Registrar General shall register the change of name and issue a change of name certificate to the person,

unless the Registrar General believes on reasonable grounds that the applicant seeks the change of name for an improper purpose.

## Refusal of application

(2) If the Registrar General believes on reasonable grounds that an applicant seeks the change of name for an improper purpose, the Registrar General shall,

- (a) refuse the application; and
- (b) advise the applicant and any person who was entitled to notice of the application,
  - (i) that it was refused, and
  - (ii) that the applicant has the right to make an application under subsection (3).

## Application to court

(3) The applicant whose application is refused may, on notice to the Registrar General, apply to the court in the county or district where the applicant resides for an order granting the application.

## Registrar General's reasons for refusal

(4) The Registrar General may file with the court his or her reasons for refusing the application and the court may take them into account if it is satisfied that the applicant has had notice of the reasons and an opportunity to respond to them.

## DEVOIRS DU REGISTRAIRE GÉNÉRAL

**7** (1) Lorsque l'auteur de la demande présentée en vertu du paragraphe 4 (1) ou 5 (1) satisfait à la présente loi et verse les droits prescrits :

Certificat

- a) si la naissance de la personne dont la demande vise à changer le nom a été enregistrée en Ontario, le registraire général enregistre le changement de nom, l'inscrit sur son acte de naissance et lui délivre un certificat de changement de nom ainsi qu'un nouveau certificat de naissance;
- b) si la naissance de la personne n'a pas été enregistrée en Ontario, le registraire général enregistre le changement de nom et lui délivre un certificat de changement de nom,

à moins que le registraire général ne croie, en se fondant sur des motifs raisonnables, que l'auteur de la demande la présente dans un but illégitime.

(2) S'il croit, en se fondant sur des motifs raisonnables, que l'auteur de la demande la présente dans un but illégitime, le registraire général :

Refus de la demande

- a) rejette la demande;
- b) avise l'auteur de la demande, ainsi que les personnes ayant le droit d'être avisées de la demande :
  - (i) qu'elle est rejetée,
  - (ii) que l'auteur de la demande a le droit de présenter une requête aux termes du paragraphe (3).

(3) L'auteur de la demande rejetée peut, après en avoir avisé le registraire général, demander, par voie de requête, au tribunal dans le comté ou le district où réside l'auteur de la demande de rendre une ordonnance qui fait droit à la demande.

Requête

(4) Le registraire général peut déposer auprès du tribunal les motifs qui l'ont amené à rejeter la demande. Le tribunal peut en tenir compte s'il est convaincu que le requérant en a été avisé et a eu l'occasion d'y répondre.

Motifs du registraire général

Power of  
court

(5) If the court is satisfied that the applicant does not seek the change of name for an improper purpose, the court shall, by order, grant the application.

Duty of  
Registrar  
General

(6) On receiving a certified copy of the order, the Registrar General shall,

- (a) if the birth of the person to whose name the application relates was registered in Ontario, register the change of name, note it on the birth registration and issue a change of name certificate and a new birth certificate to the person;
- (b) if the person's birth was not registered in Ontario, register the change of name and issue a change of name certificate to the person.

Publication,  
registration  
and notice

**8.—**(1) On registering a change of name made under this Act, the Registrar General shall,

- (a) promptly cause a notice of the change of name to be published in *The Ontario Gazette*;
- (b) enter the change of name in the change of name index maintained under section 2 of the *Vital Statistics Act*; and
- (c) in the case of a change of name made on an application under subsection 4 (1) or 5 (1), cause notice of the change to be given,

R.S.O. 1980,  
c. 524

- (i) to the sheriff of the appropriate judicial district, if the application discloses an unsatisfied order for payment of money or unsatisfied execution against the property of the person whose name has been changed,

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c. 375

- (ii) to the Registrar of Personal Property Security, if the application discloses that a financing statement registered under the *Personal Property Security Act* names the person as debtor,

- (iii) to the Registrar in Bankruptcy, if the application discloses that the person is an undischarged bankrupt, and



(5) Si le tribunal est convaincu que l'auteur de la demande ne la présente pas dans un but illégitime, le tribunal rend une ordonnance qui fait droit à la demande.

Pouvoir du tribunal

(6) Après avoir reçu une copie certifiée conforme de l'ordonnance, le registraire général prend les mesures suivantes :

Devoir du registraire général

- a) si la naissance de la personne dont la demande vise à changer le nom a été enregistrée en Ontario, il enregistre le changement de nom, l'inscrit sur son acte de naissance et lui délivre un certificat de changement de nom ainsi qu'un nouveau certificat de naissance;
- b) si la naissance de la personne n'a pas été enregistrée en Ontario, il enregistre le changement de nom et lui délivre un certificat de changement de nom.

**8** (1) Après avoir enregistré le changement de nom fait en vertu de la présente loi, le registraire général :

Publication, enregistrement et avis

- a) fait promptement publier dans la *Gazette de l'Ontario* un avis du changement de nom;
- b) inscrit le changement de nom dans le registre des changements de nom tenu aux termes de l'article 2 de la *Loi sur l'état civil*;
- c) dans le cas d'un changement de nom demandé en vertu du paragraphe 4 (1) ou 5 (1), fait donner avis du changement aux personnes suivantes :

L.R.O. 1980, chap. 524

- (i) le shérif du district judiciaire pertinent, si la demande révèle qu'il existe une ordonnance de paiement ou une saisie-exécution non exécutées contre la personne dont le nom a été changé;
- (ii) le registraire des sûretés mobilières, si la demande révèle qu'il existe un état de financement enregistré en vertu de la *Loi sur les sûretés mobilières* dans lequel la personne figure à titre de débiteur,
- (iii) le registraire en matière de faillite, si la demande révèle que la personne est un failli qui n'a pas obtenu sa libération,

L.R.O. 1980, chap. 375

- (iv) to the clerk or registrar of the appropriate court, if the application discloses a pending court proceeding against the person.

Where  
change of  
name to be  
kept  
confidential

(2) Despite subsection (1), if the Attorney General or a person authorized by the Attorney General certifies that a change of name is intended to prevent significant harm to the person to whose name the application relates,

- (a) the application shall be sealed and filed in the office of the Registrar General;
- (b) no notice of the change shall be published in *The Ontario Gazette* or given to any person;
- (c) if the person's birth was registered in Ontario, the original registration shall be withdrawn from the registration files and sealed in a separate file, and a new birth registration showing the new name shall be made; and
- (d) the change of name shall not be entered in the change of name index or noted under section 26 of the *Vital Statistics Act*.

R.S.O. 1980,  
c. 524

#### SUBSTITUTION OF NEW NAME

Substitution  
of new name  
in documents

**9.** A person whose name has been changed under this Act is entitled to have the change of name noted on any public or private record or document that mentions the person's name, on payment of any applicable fee prescribed by law and on producing satisfactory proof of identity and the change of name certificate or new birth certificate.

#### REVOCATION OF CHANGE OF NAME

Application  
to revoke  
change of  
name

**10.—(1)** A person who has reason to believe that a change of name has been obtained under this Act or a predecessor of it by fraud or misrepresentation or for an improper purpose may apply to the court for an order revoking the change of name.

Affidavit  
giving  
reasons

(2) The application shall be accompanied by the applicant's affidavit setting out the reasons for believing that the change of name was obtained by fraud or misrepresentation or for an improper purpose.

- (iv) le greffier du tribunal compétent, si la demande révèle une instance en cours contre la personne.

(2) Malgré le paragraphe (1), si le procureur général ou son mandataire certifie que le changement de nom a pour but d'empêcher que la personne dont la demande vise à changer le nom subisse un préjudice grave :

Le changement de nom peut rester secret

- a) la demande est scellée et déposée auprès du registraire général;
- b) aucun avis du changement n'est publié dans la *Gazette de l'Ontario* ni donné à quiconque;
- c) si la naissance de la personne a été enregistrée en Ontario, l'acte de naissance est retiré des dossiers d'enregistrement et scellé dans un dossier distinct, et il est rédigé un nouvel acte de naissance, énonçant le nouveau nom;
- d) le changement de nom n'est ni inscrit dans le registre des changements de nom ni noté aux termes de l'article 26 de la *Loi sur l'état civil*.

L.R.O. 1980.  
chap. 524

#### SUBSTITUTION DU NOUVEAU NOM

**9** La personne dont le nom a été changé en vertu de la présente loi a le droit, sur présentation d'une preuve d'identité satisfaisante et du certificat de changement de nom ou du nouveau certificat de naissance et après avoir versé tous droits pertinents prescrits par la loi, d'obtenir que le changement de nom soit inscrit dans tout dossier public ou privé ou tout document dans lequel figure son nom.

Substitution du nouveau nom dans les documents

#### RÉVOCATION DU CHANGEMENT DE NOM

**10** (1) La personne qui est fondée à croire qu'un changement de nom a été obtenu, en vertu de la présente loi ou d'une loi qu'elle remplace, frauduleusement, au moyen de fausses déclarations ou dans un but illégitime peut, par voie de requête, demander que le tribunal rende une ordonnance révoquant le changement de nom.

Requête pour révoquer le changement de nom

(2) La requête est accompagnée de l'affidavit du requérant précisant les motifs qui le portent à croire que le changement de nom a été obtenu frauduleusement, au moyen de fausses déclarations ou dans un but illégitime.

Affidavit exposant les motifs

Service  
of  
applications

(3) Notice of the application shall be served on such persons as the court directs.

Revocation  
of change  
of name

(4) If the court is satisfied that the change of name was obtained by fraud or misrepresentation or for an improper purpose, the court may by order revoke it in whole or in part.

Clerk to  
send copy of  
order to  
Registrar  
General

(5) The clerk of the court shall send a certified copy of the order to the Registrar General.

Surrender of  
certificate  
on  
revocation;  
notice

(6) On receiving a copy of the order, the Registrar General,

- (a) may require the person to whom a birth certificate or change of name certificate has been issued in connection with the change of name to surrender it immediately;
- (b) shall promptly cause a notice of the revocation to be published in *The Ontario Gazette*; and
- (c) shall cause notice of the revocation to be given to any persons who were given notice of the change of name under clause 8 (1) (c) (notice to sheriff, etc.).

#### APPEALS

Appeal to  
District  
Court

**11.**—(1) An appeal from an order under subsection 4 (4) or 5 (4) (dispensing with consent) may be made to the District Court by the applicant or the person whose consent is dispensed with.

Idem

(2) An appeal from an order under subsection 7 (5) (review of Registrar General's refusal of application) may be made to the District Court by the applicant or the Registrar General.

Idem

(3) An appeal from an order under subsection 10 (4) (revocation of change of name) may be made to the District Court by,

- (a) the applicant;
- (b) the Registrar General; or

(3) L'avis de la requête est signifié aux personnes que précise le tribunal. Signification de la requête

(4) Si le tribunal est convaincu que le changement de nom a été obtenu frauduleusement, au moyen de fausses déclarations ou dans un but illégitime, le tribunal peut le révoquer par ordonnance en tout ou en partie. Révocation

(5) Le greffier envoie une copie de l'ordonnance, certifiée conforme, au registraire général. Copie au registraire général

(6) Lorsqu'il reçoit la copie de l'ordonnance, le registraire général : Certificat à rendre; avis

- a) peut exiger que la personne à laquelle un certificat de naissance ou de changement de nom a été délivré relativement au changement de nom le rende immédiatement;
- b) fait promptement publier dans la *Gazette de l'Ontario* un avis de la révocation;
- c) fait donner avis de la révocation aux personnes qui ont été avisées, le cas échéant, du changement de nom aux termes de l'alinéa 8 (1) c) (avis au shérif, etc.).

#### APPELS

**11** (1) Il peut être interjeté appel de l'ordonnance rendue aux termes du paragraphe 4 (4) ou 5 (4) (dispenser du consentement), devant la Cour de district, par l'auteur de la demande ou par la personne au consentement de laquelle il a été passé outre. Appel à la Cour de district

(2) Il peut être interjeté appel de l'ordonnance rendue aux termes du paragraphe 7 (5) (révision du refus du registraire général), devant la Cour de district, par l'auteur de la demande ou par le registraire général. Idem

(3) Il peut être interjeté appel de l'ordonnance rendue aux termes du paragraphe 10 (4) (révocation du changement de nom), devant la Cour de district, par l'une des personnes suivantes : Idem

- a) l'auteur de la demande;
- b) le registraire général;

- (c) the person to whose change of name the order relates.

#### OFFENCES

Obtaining  
change of  
name by  
fraud, etc.

**12.—**(1) A person who obtains a change of name under this Act by fraud or misrepresentation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Use of name  
obtained by  
fraud, etc.

(2) A person who uses a name in respect of which he or she was convicted under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Use of name  
after refusal  
or  
revocation

(3) A person who uses a name,

- (a) that he or she sought to adopt in an application that was refused under section 7; or
- (b) that was the subject of an order under subsection 10 (4) (revocation of change of name),

knowing that the change of name was refused or revoked, as the case may be, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Failure to  
surrender  
certificate  
on  
revocation

(4) A person who knowingly fails to comply with a requirement of the Registrar General under clause 10 (6) (a) (surrender of certificate upon revocation of change) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Use of  
superseded  
certificate

(5) A person who, after his or her name is changed under this Act, knowingly uses a birth certificate or change of name certificate that was issued in Ontario and shows a former name of the person is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Limitation  
one year

R.S.O. 1980,  
c. 524

(6) No proceeding shall be commenced in respect of an offence under this Act more than one year after the Deputy Registrar General appointed under the *Vital Statistics Act* becomes aware of the facts on which the proceeding is based.

Evidence

(7) A statement as to the time when the Deputy Registrar General became aware of the facts on which the proceeding is based, purporting to be certified by the Deputy Registrar General, is, without proof of that person's office or signature, evidence of the facts stated in it.



- c) la personne sur le changement de nom de laquelle porte l'ordonnance.

#### INFRACTIONS

**12** (1) La personne qui obtient un changement de nom en vertu de la présente loi frauduleusement ou au moyen de fausses déclarations est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 \$.

Changement de nom obtenu par fraude, etc.

(2) La personne qui utilise un nom à l'égard duquel elle a été déclarée coupable aux termes du paragraphe (1) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 \$.

Utilisation du nom obtenu par fraude, etc.

(3) La personne qui utilise un nom :

Utilisation du nom après refus ou révocation

- a) qu'elle voulait adopter au moyen d'une demande qui a été rejetée aux termes de l'article 7;
- b) qui a été l'objet d'une ordonnance rendue en vertu du paragraphe 10 (4) (révocation du changement de nom),

et qui sait que le changement de nom a été rejeté ou révoqué, selon le cas, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 \$.

(4) La personne qui omet sciemment de respecter l'exigence du registraire général en vertu de l'alinéa 10 (6) a) (devoir de rendre le certificat suite à la révocation) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 \$.

Omission de rendre le certificat suite à la révocation

(5) La personne qui, après que son nom a été changé en vertu de la présente loi, utilise sciemment un certificat de naissance ou de changement de nom qui a été délivré en Ontario et qui porte un ancien nom de la personne est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 \$.

Utilisation du certificat caduc

(6) Il n'est intenté aucune poursuite à l'égard d'une infraction aux termes de la présente loi plus d'un an après que les faits sur lesquels la poursuite est fondée viennent à la connaissance du registraire général adjoint nommé aux termes de la *Loi sur l'état civil*.

Délai de prescription d'un an

L.R.O. 1980, chap. 524

(7) Une déclaration relative au moment où les faits sur lesquels la poursuite est fondée sont venus à la connaissance du registraire général adjoint et qui se présente comme étant certifiée par ce dernier, fait preuve des faits qui y sont énoncés sans qu'il soit nécessaire de prouver l'authenticité de la signa-

Preuve



## REGULATIONS

Regulations

**13.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner in which elections are to be made under subsections 3 (1) and (2) (election by spouse, etc., to change surname);
- (b) prescribing fees for elections under subsection 3 (1) made at the time of marriage or at the time of filing a joint declaration;
- (c) prescribing fees for elections under subsection 3 (2) and for elections under subsection 3 (1) made after the time of marriage or after the time of filing a joint declaration;
- (d) prescribing the documents to be provided where elections are made under subsections 3 (1) and (2);
- (e) prescribing fees for applications under subsections 4 (1) and 5 (1);
- (f) prescribing forms;
- (g) prescribing classes of persons for the purpose of subsection 6 (3) (accompanying statement).

Repeal

**14.** The *Change of Name Act*, being chapter 62 of the Revised Statutes of Ontario, 1980, is repealed.

**15.** The Schedule to Part III of the *Courts of Justice Act, 1984*, being chapter 11, as re-enacted by the Statutes of Ontario, 1984, chapter 55, section 213, is amended by adding thereto the following item:

1a. Change of Name Act, 1986

All

Commence-  
ment

**16.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**17.** The short title of this Act is the *Change of Name Act, 1986*.

ture du registraire général adjoint ou d'établir sa qualité officielle.

#### RÈGLEMENTS

**13** Le lieutenant-gouverneur en conseil peut, par règle- Rèlements  
ment :

- a) prescrire la façon dont se font les choix prévus aux paragraphes 3 (1) et (2) (choix du conjoint, etc., de changer le nom de famille);
- b) prescrire les droits relatifs aux choix prévus au paragraphe 3 (1) qui se font lors du mariage ou lors du dépôt de la déclaration commune;
- c) prescrire les droits relatifs aux choix prévus au paragraphe 3 (2), ainsi qu'aux choix prévus au paragraphe 3 (1) qui se font après le mariage ou après le dépôt de la déclaration commune;
- d) prescrire les documents qui doivent être fournis lors des choix prévus aux paragraphes 3 (1) et (2);
- e) prescrire les droits relatifs aux demandes prévues aux paragraphes 4 (1) et 5 (1);
- f) prescrire des formules;
- g) prescrire des catégories de personnes pour l'application du paragraphe 6 (3) (déclaration qui accompagne la demande).

**14** La *Loi sur le changement de nom*, qui constitue le cha- Abrogation  
pitre 62 des Lois refondues de l'Ontario de 1980, est abrogée.

**15** L'annexe de la partie III de la *Loi de 1984 sur les tribunaux judiciaires*, qui constitue le chapitre 11, telle qu'elle est adoptée de nouveau par l'article 213 du chapitre 55 des Lois de l'Ontario de 1984, est modifiée par adjonction du point suivant :

1a. Change of Name Act, 1986

All

**16** La présente loi entre en vigueur le jour que le lieuten- Entrée en  
vigueur  
nant-gouverneur fixe par proclamation.

**17** Le titre abrégé de la présente loi est *Loi de 1986 sur le* Titre abrégé  
*changement de nom*.



## CHAPTER 8

### An Act to amend the Children's Law Reform Act

*Assented to January 20th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 5 of subsection 8 (1) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

5. The person has certified the child's birth, as the child's father, under the *Vital Statistics Act* or a similar Act in another jurisdiction in Canada.

R.S.O. 1980,  
c. 524

**2.** Sections 12 and 13 of the said Act are repealed and the following substituted therefor:

**12.**—(1) A person may file in the office of the Registrar General a statutory declaration, in the form prescribed by the regulations, affirming that he or she is the father or mother, as the case may be, of a child.

Statutory  
declaration  
of  
parentage

(2) Two persons may file in the office of the Registrar General a statutory declaration, in the form prescribed by the regulations, jointly affirming that they are the father and mother of a child.

Idem

**13.** Upon application and upon payment of the fee prescribed under the *Vital Statistics Act*, any person who has an interest, furnishes substantially accurate particulars and satisfies the Registrar General as to the reason for requiring it may obtain from the Registrar General a certified copy of a statutory declaration filed under section 12.

Copies of  
statutory  
declarations  
under  
R.S.O. 1980,  
c. 524

**3.** Subsection 14 (2) of the said Act is amended by inserting after "inspect" in the third line "a statement respecting".

**4.** Section 36 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

Order  
restraining  
harassment

**36.**—(1) On application, a court may make an interim or final order restraining a person from molesting, annoying or harassing the applicant or children in the applicant's lawful custody and may require the person to enter into the recognizance or post the bond that the court considers appropriate.

Offence

(2) A person who contravenes a restraining order is guilty of an offence and upon conviction is liable,

- (a) in the case of a first offence, to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both; and
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000 or to imprisonment for a term of not more than two years, or to both.

Arrest  
without  
warrant

(3) A police officer may arrest without warrant a person the police officer believes on reasonable and probable grounds to have contravened a restraining order.

Existing  
orders

(4) Subsections (2) and (3) also apply in respect of contraventions, committed after those subsections come into force, of restraining orders made under a predecessor of this section.

Commence-  
ment

**5.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**6.** The short title of this Act is the *Children's Law Reform Amendment Act, 1986*.

## CHAPTER 9

### An Act to amend the Vital Statistics Act

*Assented to January 20th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Clauses 1 (k) and (q) of the *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, are repealed.**

**2. Sections 6, 7, 8, 9 and 10, subsection 11 (3) and section 13 of the said Act are repealed and the following substituted therefor:**

**6.—(1)** In this section and in sections 7, 8 and 9,

Definitions

“incapable” means unable, because of illness or death, to make a statement;

“statement” means a statement in the prescribed form respecting a child’s birth referred to in subsection (2).

(2) Within thirty days of a child’s birth in Ontario, the mother and father shall make and certify a statement in the prescribed form respecting the child’s birth and shall mail or deliver the statement to the division registrar of the registration division within which the child was born.

Statement  
of birth

(3) Subsection (2) does not apply,

Exception

(a) to the child’s mother, if she is incapable; or

(b) to the child’s father, if he is incapable or is unacknowledged by or unknown to the mother.

(4) If one parent makes the statement without the other parent because the other parent is incapable, a statutory declaration of the fact shall be attached to the statement.

Where  
one parent  
incapable

(5) If a child’s parents are both incapable, or the child’s mother is incapable and the father is unacknowledged by or

Statement  
by another  
person

unknown to her, another person acting on her behalf may make and certify the statement and shall mail or deliver the statement, together with a statutory declaration that the parents are both incapable or that the mother is incapable and the father is unacknowledged by or unknown to her, as the case may be, to the division registrar of the registration division within which the child was born.

Particulars  
of parents

(6) A statement shall contain particulars of the mother and, if the father makes the statement, particulars of the father.

Registrar  
General may  
make and  
register  
statement

(7) Where no statement is received by the appropriate division registrar within thirty days of a child's birth in Ontario, the Registrar General may complete, certify and register a statement.

Multiple  
births

(8) If a pregnancy results in the birth of more than one child, a separate statement shall be made in respect of the birth of each child.

Amendment  
of  
registration

(9) Where a statement completed by only one parent of the child or by a person who is not the child's parent is registered, any of the following persons may apply to the Registrar General to amend the statement:

1. The child's mother and father together.
2. The child's mother, if the father is incapable or is unacknowledged by or unknown to the mother.
3. The child's father, if the mother is incapable.

Duty of  
Registrar  
General

(10) The Registrar General shall amend the registration accordingly.

Where one  
parent  
incapable

(11) If one parent applies to amend the statement without the other because the other parent is incapable, a statutory declaration of the fact shall be attached to the application.

Amendment  
of  
registration  
R.S.O. 1980,  
c. 68

(12) On receiving a certified copy of an order under section 4, 5 or 6 (child's parentage) of the *Children's Law Reform Act* respecting a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child's parents shown on the registration, in accordance with the order.

Child's  
name

7.—(1) A child whose birth is certified under section 6 shall be given at least one forename, subject to subsection (2), and a surname.



(2) A child whose birth is certified under section 6 need not be given a forename if the Registrar General is satisfied that, Exception

- (a) the child's sex is undetermined;
- (b) every consent required by the *Child Welfare Act* for the child's adoption has been given or dispensed with; or R.S.O. 1980, c. 66
- (c) the child has died.

(3) A child's surname shall be determined as follows:

How child's  
surname  
determined

1. If both parents certify the child's birth, they may agree to give the child either parent's surname or former surname or a surname consisting of one surname or former surname of each parent, hyphenated or combined.
2. If both parents certify the child's birth but do not agree on the child's surname, the child shall be given,
  - i. the parents' surname, if they have the same surname, or
  - ii. a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames.
3. If one parent certifies the child's birth and the other parent is incapable, the parent who certifies the birth may give the child either parent's surname or former surname or a surname consisting of one surname or former surname of each parent, hyphenated or combined.
4. If the mother certifies the child's birth and the father is unknown to or unacknowledged by her, she may give the child her surname or former surname.
5. If a person who is not the child's parent certifies the child's birth, the child shall be given,
  - i. the parents' surname, if they have the same surname,

ii. a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames, or

iii. if only one parent is known, that parent's surname.

Idem (4) A child's surname determined under paragraph 1, 3 or 4 of subsection (3) may be in a masculine or feminine form.

Idem (5) Where the person who certifies a child's birth indicates in the statement that he or she wishes to give the child a surname that is determined, not under subsection (3) but in accordance with the child's cultural, ethnic or religious heritage, the child may be given that surname if the Registrar General approves.

Contra-  
vention **8.** If a statement is not completed, certified and mailed or delivered in the manner and within the time provided in section 6, every person upon whom the duty to do so is imposed by that section remains liable to perform it although the time has expired and is, in respect of each successive period of thirty days thereafter during which the person fails to do so, guilty of a contravention of this Act.

Registration  
by division  
registrar **9.—**(1) On receiving a statement, the division registrar, if satisfied as to its correctness and sufficiency, shall register the birth by signing the statement.

Idem (2) On signing the statement, the division registrar shall promptly mail or deliver the statement and the notice given under section 5 to the Registrar General.

Idem (3) The statement signed by the division registrar and approved by the Registrar General constitutes the birth registration.

If no  
statement  
received (4) If a division registrar receives notice of a birth under section 5 but no statement is submitted within sixty days of the birth, the division registrar shall record having received the notice of birth and mail or deliver it to the Registrar General.

One year  
limit (5) A division registrar shall not register a birth after one year from its date.

Registration  
by Registrar  
General **10.—**(1) If a child's birth has not been registered within one year from its date, any person may apply to the Registrar General for registration of the birth.

(2) An application under subsection (1) shall be accompanied by, Procedure

- (a) the prescribed fee;
- (b) a statement in the prescribed form, completed and certified by the applicant;
- (c) the applicant's statutory declaration in the prescribed form; and
- (d) any other evidence that is prescribed by the regulations.

(3) If the Registrar General is satisfied that the application is made in good faith, that the evidence adduced in support of it is correct and sufficient, and that the regulations have been complied with, the Registrar General shall register the birth by signing the statement. Idem

(4) The statement signed by the Registrar General constitutes the birth registration. Idem

**10a.**—(1) A person with lawful custody of a child under the age of twelve years whose birth was registered in Ontario may elect in the prescribed manner, Election to change name of child under 12

- (a) to change the child's forename;
- (b) to change the child's surname to any surname that the child could have been given at birth under subsection 7 (3), (4) or (5); or
- (c) to change the child's forename and to change the child's surname as described in clause (b),

unless a court order or separation agreement prohibits the change.

(2) If two persons have lawful custody of a child, the election may only be made by both persons. More than one custodian

(3) A person who elects under subsection (1) shall give notice of the election to every person who is lawfully entitled to access to the child. Notice to persons with access

(4) The election shall state, by way of statutory declaration, that all persons entitled to notice of the election have received notice. Declaration re notice

Evidence  
of notice

(5) Where a person is entitled to notice of an election, the person making the election shall provide, with the election,

- (a) an acknowledgment of notice, signed by the person entitled to notice; or
- (b) evidence satisfactory to the Registrar General that, at least twenty-one days before the making of the election, notice and a copy of the election were sent by registered or certified mail to the last known address of the person entitled to notice.

Old  
certificates  
to be  
surrendered

(6) The election shall be accompanied by all birth certificates of the child that are in the possession of the person making the election.

Certificate

(7) Where a person elects under subsection (1), the Registrar General shall note the change of name on the birth registration and issue a new birth certificate to the person on payment of the prescribed fee.

Adding  
forename  
to birth  
registration

**10b.**—(1) If a child's birth was registered under this Act or a predecessor of it and the child was not given a forename,

- (a) the person with lawful custody of the child; or
- (b) the child, if he or she has attained the age of eighteen years,

may elect in the prescribed manner to add a forename to the birth registration.

Certificate

(2) Where a person elects under subsection (1), the Registrar General shall note the addition of the forename on the birth registration and issue a birth certificate to the person on payment of the prescribed fee.

**3.**—(1) Subsection 12 (1) of the said Act is amended by striking out “under subsection 6 (1)” in the eleventh and twelfth lines and inserting in lieu thereof “by section 6”.

(2) Section 12 of the said Act is amended by adding thereto the following subsection:

Not to apply  
to births  
registered  
after  
coming into  
force of  
1986, c. 9

(3) This section does not apply to a birth registered after the coming into force of section 2 of the *Vital Statistics Amendment Act, 1986*.

**4.** Subsection 14 (1) of the said Act is amended by striking out “furnish particulars of the birth under subsection 6 (1)” in

the second and third lines and inserting in lieu thereof "certify it under section 6".

**5.—(1)** Subsection 24 (2) of the said Act is amended by striking out "in lawful wedlock" in the fifteenth line.

(2) Subsection 24 (5) of the said Act is amended by inserting after "(2)" in the third line "or of a certified copy of such a registration".

**6.** Section 26 of the said Act is repealed and the following substituted therefor:

#### CHANGES OF NAME

**26.—(1)** Upon receipt of a document that satisfies the Registrar General that the name of a person whose birth is registered in Ontario has been changed in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar General shall register the document and note the change of name on the person's registration. Registration  
of change  
of name

(2) If the person's marriage is registered in Ontario, the Registrar General shall also, at the person's request, note the change of name on the person's marriage registration. Idem

(3) Where a change of name has been noted on a birth or marriage registration and application is made for a birth or marriage certificate, the certificate shall be issued as if the registration had been made in the name as changed. Certificate  
after change  
of name

(4) Upon receipt of a document that satisfies the Registrar General that a document effecting a change of name has been annulled in accordance with the law of the province or territory of Canada or of the foreign state in which such documents were made, the Registrar General shall register the document and note the annulment on the person's birth registration, on the document effecting the change of name and, if the change of name that is annulled was noted on the person's marriage registration, on that registration. Registration  
of annulment  
of change  
of name

(5) Every notation made under this section shall be dated and initialled by an officer designated by the regulations. Notation  
to be  
dated and  
initialled

**7.—(1)** Subsection 31 (1) of the said Act is amended by inserting after "(7)" in the fifth line "as they existed before the coming into force of section 2 of the *Vital Statistics Amendment Act, 1986*".

(2) Section 31 of the said Act is amended by adding thereto the following subsection:

Not to apply  
to births  
registered  
after  
coming into  
force of  
1986, c. 9

(4) This section does not apply to a birth registered after the coming into force of section 2 of the *Vital Statistics Amendment Act, 1986*.

8. Section 39 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 34, section 3, is further amended by adding thereto the following subsection:

Change of  
name  
certificate

(3a) A change of name certificate shall contain the following particulars of the registration.

- (a) the person's name;
- (b) the person's former name;
- (c) date of registration; and
- (d) registration number.

9. Section 40 of the said Act is amended by adding thereto the following subsection:

Change  
of name  
certificate

(4) Upon application and upon payment of the prescribed fee, any person may obtain from the Registrar General a change of name certificate in respect of any change of name of which there is a registration, made after the coming into force of the *Vital Statistics Amendment Act, 1986*, in his or her office.

1986, c. 9

10. Subsection 41 (1) of the said Act is amended by inserting after "birth" in the first line "change of name".

11.—(1) Section 44 of the said Act is amended by adding thereto the following subsection:

Exception

(1a) Clause (1) (c) does not apply in the case of a search of the change of name index with respect to the period after the coming into force of the *Vital Statistics Amendment Act, 1986*.

(2) Subsection 44 (3) of the said Act is repealed and the following substituted therefor:

Information  
given on  
search

(3) Subject to subsection (4), the only information given upon a search under subsection (1) or (2) shall be,

- (a) whether the registration exists or not;

(b) the registration number, if any; and

(c) at the Registrar General's option, the date of the event, if any.

(4) In the case of a search of the change of name index, where a registration exists, the former name of the person shall be given, but only with respect to the period after the coming into force of the *Vital Statistics Amendment Act, 1986*. Former name  
1986, c. 9

**12.—(1)** Subsection 51 (1) of the said Act is amended by striking out “\$100” in the sixth line and inserting in lieu thereof “\$1,000”.

(2) Section 51 of the said Act is amended by adding thereto the following subsection:

(1a) Subsection (1) does not apply to a child's father who neglects or fails to make and certify a statement respecting the child's birth under subsection 6 (2) if he has reasonable grounds to believe that he is not the child's father. Exception

**13.—(1)** Subsection 52 (1) of the said Act is amended by striking out “\$500” in the fifth line and inserting in lieu thereof “\$2,000”.

(2) Subsection 52 (2) of the said Act is amended by striking out “\$500” in the fifth line and inserting in lieu thereof “\$2,000”.

**14.** Section 53 of the said Act is amended by striking out “\$200” in the third line and inserting in lieu thereof “\$1,000”.

**15.** Section 54 of the said Act is amended by striking out “\$100” in the fourth line and inserting in lieu thereof “\$1,000”.

**16.** The said Act is amended by adding thereto the following section:

**54a.—(1)** No proceeding shall be commenced in respect of an offence under this Act more than one year after the Deputy Registrar General becomes aware of the facts on which the proceeding is based. Limitation  
one year

(2) A statement as to the time when the Deputy Registrar General became aware of the facts on which the proceeding is based, purporting to be certified by the Deputy Registrar General, is, without proof of that person's office or signature, evidence of the facts stated in it. Evidence



**17.—(1) Clause 55 (o) of the said Act is repealed.**

(2) Section 55 of the said Act is amended by adding thereto the following clause:

- (u) prescribing the manner in which elections are to be made under subsection 10a (1) (election to change name of child under twelve).

Commence-  
ment

**18.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**19.** The short title of this Act is the *Vital Statistics Amendment Act, 1986*.

## CHAPTER 10

### **An Act respecting Actions arising from Transboundary Pollution between Ontario and Reciprocating Jurisdictions**

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

“person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government in its private or public capacity, governmental subdivision or agency, or any other legal entity;

“reciprocating jurisdiction” means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States of America, or a province or territory of Canada, which has enacted this Act or provides substantially equivalent access to its courts and administrative agencies.

**2. An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Ontario may be brought in Ontario.**

Forum

**3. A person who suffers or is threatened with injury to his person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Ontario has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in Ontario, as if the injury or threatened injury occurred in Ontario.**

Right to relief

**4. The law to be applied in an action or other proceeding brought pursuant to this Act, including what constitutes “pollution”, is the law of Ontario excluding choice of law rules.**

Applicable law

**5. This Act does not accord a person injured or threatened with injury in another jurisdiction any rights superior to those**

Equality of rights

that the person would have if injured or threatened with injury in Ontario.

Right  
additional  
to those  
now existing  
Act binds  
Crown

**6.** The right provided in this Act is in addition to and not in derogation of any other rights.

**7.** This Act binds the Crown in right of Ontario only to the extent that the Crown would be bound if the person were injured or threatened with injury in Ontario.

Regulations

**8.** Notwithstanding the definition of "reciprocating jurisdiction", the Lieutenant Governor in Council may by regulation declare a jurisdiction to be a reciprocating jurisdiction for the purposes of this Act.

Uniformity of  
application  
and  
construction

**9.** This Act shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** The short title of this Act is the *Transboundary Pollution Reciprocal Access Act, 1986*.

## CHAPTER 11

### **An Act to amend the Public Commercial Vehicles Act**

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 (1) of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof "or a rewritten certificate issued under section 10b".

**2.**—(1) Subsection 10b (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, is amended by adding at the end thereof "in respect of any certificate issued under this section".

(2) Subsection 10b (17) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1 and amended by the Statutes of Ontario, 1984, chapter 20, section 1, is repealed.

(3) Subsection 10b (18) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, is repealed.

**3.**—(1) Subsection 37 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 71, section 15 and 1984, chapter 20, section 2, is further amended by adding thereto the following paragraphs:

33. prescribing provisions that shall and that shall not be included in rewritten certificates issued under section 10b and the circumstances in which prescribed provisions shall or shall not be included;
34. governing references to be used in rewritten certificates issued under section 10b and prescribing the meaning to be given to any such references;

35. governing the terms in and content of rewritten certificates issued under section 10b.

(2) Section 37 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 71, section 15 and 1984, chapter 20, section 2, is further amended by adding thereto the following subsection:

Interpretation

(4) In the regulations, "STCC" means the Standard Transportation Commodity Code as filed with the Canadian Transport Commission and "STCC number" means a number in STCC representing the goods or materials classified under that number.

Commence-  
ment

**4.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**5.** The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1986*.

## CHAPTER 12

### An Act to amend the Public Service Superannuation Act

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

**26b.** This Act applies to every person employed in the service of a member of the Legislative Assembly or in the service of a caucus of a party and who is paid out of money appropriated therefor by the Legislature.

Application  
to staff of  
members of  
Assembly  
and to  
caucus staff

**2.** The Board of Internal Economy of the Legislative Assembly, the Minister and the Ontario Municipal Employees Retirement Board may by agreement,

Transition

- (a) transfer all funds and other assets of the Caucus Employees Retirement Plan and the Caucus Retirement Superannuation Adjustment Fund Account to the Public Service Superannuation Fund and the Public Service Superannuation Adjustment Fund, respectively; and
- (b) transfer all credits of contributors and retired contributors in the Caucus Employees Retirement Plan and the Caucus Employees Superannuation Adjustment Fund Account to the Public Service Superannuation Fund and the Public Service Superannuation Adjustment Fund, respectively.

**3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

**4.** The short title of this Act is the *Public Service Superannuation Amendment Act, 1986*.

Short title





## CHAPTER 13

### An Act to amend the Teachers' Superannuation Act, 1983

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause 1 (1) (g) of the *Teachers' Superannuation Act, 1983*, being chapter 84, is amended by adding at the end thereof “or under a predecessor of this Act”.**

**(2) Subclause 1 (1) (j) (v) of the said Act is amended by adding at the end thereof “or as a person deemed to continue to be employed in education by section 11”.**

**(3) Subclause 1 (1) (j) (vii) of the said Act is amended by striking out “or in the Ministry of Education” in the first and second lines.**

**(4) Subclause 1 (1) (j) (viii) of the said Act is amended by striking out “the Minister of Education or” in the first line.**

**(5) A person who was employed in education, within the meaning of the said Act, immediately before the 1st day of January, 1986, does not cease to be employed in education for the purposes of the said Act by reason only of the amendments set out in subsections (3) and (4).** Transitional

**2. Subsections 4 (5), (6), (7) and (8) of the said Act are repealed and the following substituted therefor:**

**(5) Contributions to the Fund under subsection (3) may be increased in each year by an amount that does not exceed 6.9 per cent of the annual rate of salary that would be payable to the person in the year if the annual rate of salary paid to the person immediately before the cessation by reason of disability of the person's employment in education were increased in each year after the person so ceased to be employed in the same manner as a pension would be increased in each year under the *Superannuation Adjustment Benefits Act*.**

Increased contributions whether or not provided for in agreement

R.S.O. 1980,  
c. 490

Application  
of  
contributions

(6) Contributions under subsection (5) may be made by or for the person in any year after the first year of contribution, but apply only in respect of the year in which the contributions are made, and the person in respect of whom the contributions are accepted shall be given credit in the Fund for the annual rate of salary on which the contributions under this section accepted by the Commission are based.

**3. Subsection 5 (4) of the said Act is repealed and the following substituted therefor:**

Long term  
disability

(4) Subsection (1) applies in respect of contributions made to the Fund in accordance with section 4 (long term disability agreements), but does not apply in respect of contributions under that section in respect of a person referred to in subsection (2) or (3).

**4. Section 9 of the said Act is amended by adding thereto the following subsection:**

Termination  
of election

(9a) A person employed in education as a teacher in a private school designated under this or a predecessor Act who elected to be excluded from the benefits and obligations of this or a predecessor Act may, by written notice in form satisfactory to the Commission, terminate the effect of the election, provided that,

- (a) the person is entitled to be a contributor to the Fund on and after the 1st day of September, 1986;
- (b) the person is employed in education as a teacher in a designated private school on the 1st day of September, 1986;
- (c) the person continues to be employed in education for at least twenty working days in the school year commencing on the 1st day of September, 1986; and
- (d) the written notice of termination provided for in this section is delivered as required by this section before the 1st day of January, 1987 to the governing body of the designated private school where the person is employed and to the Commission,

and upon delivery of the notice of termination in accordance with this subsection, the person is, from and after the 1st day of September, 1986, entitled to the benefits and subject to the obligations of this Act.

**5. Subsection 14 (2) of the said Act is amended by adding thereto the following paragraph:**

4. Paragraph 3 does not apply if the person's credit in the Fund has been reduced to less than ten years by a refund made to the person under subsection 44 (4) or a predecessor thereof.

**6. Section 16 of the said Act is repealed and the following substituted therefor:**

**16.—(1)** Where a person ceases to receive a superannuation allowance under this or a predecessor Act because of re-employment in education, and the re-employment is for less than one year, the person is entitled, upon the cessation of the re-employment and subject to subsection (3), to the resumption of the superannuation allowance to which the person was entitled immediately before the re-employment.

Resumption  
of  
super-  
annuation  
allowance

(2) Where a person ceases to receive a superannuation allowance under this or a predecessor Act because of re-employment in education, and the re-employment is for a period or periods equivalent to full-time employment in education for one year or more, the person is entitled, upon the cessation of the re-employment and subject to subsection (3), to apply for a superannuation allowance under this Act adjusted to reflect the contributions to the Fund by or for the person during the period of re-employment.

Application  
for adjusted  
allowance

(3) A person mentioned in subsection (1) or (2) who has received, during the re-employment in education, a superannuation allowance under this or a predecessor Act is not entitled to the resumption of superannuation allowance under subsection (1) or to apply for a superannuation allowance under subsection (2) until the person pays to the Fund an amount equal to the total of the superannuation allowance received by the person during the re-employment together with interest on each such superannuation allowance payment computed at the debenture rate for the fiscal year in which the person's re-employment in education commenced and for the period from the date when each such superannuation allowance payment was paid out of the Fund to the date when it is paid to the Fund.

Allowance to  
be repaid

(4) This section applies despite subsection 76 (1).

Application  
of section

**7. The said Act is amended by adding thereto the following section:**

Reduction  
not to apply

**18a.** The reduction mentioned in paragraph 4 of subsection 13 (3) or in paragraph 4 of subsection 18 (2) does not apply in respect of a person who,

- (a) is entitled to an allowance under section 13 or 18;
- (b) has attained the age of fifty-five years;
- (c) has credit in the Fund for a period or periods equal to at least ten years of full-time employment in education; and
- (d) ceases to be employed in education after the 31st day of May, 1986 and before the 1st day of September, 1989.

**8.** Section 23 of the said Act is repealed and the following substituted therefor:

Effect of re-  
employment  
as a teacher

**23.**—(1) A person who is receiving a disability allowance under section 18 or a predecessor thereof, and who becomes employed as a teacher in a school or institution ceases to be entitled to the disability allowance until the person ceases to be so employed.

Re-  
employment  
in education  
other than  
as a teacher

(2) A person who is receiving a disability allowance under section 18 or a predecessor thereof, and who is employed in education otherwise than as a teacher, may continue to receive, subject to subsection (3), any disability allowance to which the person continues to be entitled.

Idem

(3) The disability allowance payable to a person mentioned in subsection (2) shall be reduced by the amount by which,

- (a) the aggregate of the disability allowance paid to the person in the year, plus the payments made to the person in the year under the *Superannuation Adjustment Benefits Act* in relation to that allowance, plus the salary paid to the person in the year in respect of employment in education,

R.S.O. 1980,  
c. 49(1)

exceeds an amount equal to,

- (b) the annual rate of salary paid to the person immediately before the cessation, by reason of the disability, of the person's employment in education and increased in each year after the person so ceased to be employed, to and including the year referred to in clause (a), in the same manner as a pension

would be increased under the *Superannuation Adjustment Benefits Act*. R.S.O. 1980, c. 490

(4) This section applies despite subsection 76 (1).

Application  
of section

**9.** Subsection 26 (1) of the said Act is amended by inserting after "Act" in the second line "other than a survivor allowance".

**10.** Subsection 28 (1) of the said Act is repealed and the following substituted therefor:

(1) The child or children of a person who,

Survivor  
allowance  
to child on  
death of  
surviving  
spouse

(a) dies while receiving or with a vested interest in an allowance under this Act; and

(b) is survived by a spouse entitled to an annual survivor allowance in respect of the person,

are entitled upon the death of the spouse to an annual survivor allowance payable to or among such of the child or children as are, at the death of the spouse, under the age of eighteen years until each child attains that age or dies under that age, and the share of each of the children who attains that age or dies under that age accrues to the child or children, if any, remaining under that age.

**11.** Subsection 29 (1) of the said Act is repealed and the following substituted therefor:

(1) The child or children of a person who,

Survivor  
allowance  
to child  
where no  
surviving  
spouse

(a) dies while receiving or with a vested interest in an allowance under this Act; and

(b) is not survived by a spouse entitled to an annual survivor allowance under this Act in respect of the person,

are entitled upon the death of the person to an annual survivor allowance payable to or among such of the child or children as are, at the death of the person, under the age of eighteen years until each child attains that age or dies under that age, and the share of each of the children who attains that age or dies under that age accrues to the child or children, if any, remaining under that age.

**12.** The said Act is further amended by adding thereto the following section:

Deduction  
and  
remittance  
of health  
insurance  
premiums

**37a.**—(1) The Commission may accept and act upon a written direction from a person receiving an allowance under this or a predecessor Act that authorizes the Commission, on behalf of the person, to deduct and remit from the allowance,

- (a) premiums payable under the Ontario Health Insurance Plan by the person; or
- (b) premiums for medical, dental or health related insurance payable by the person under a contract of group insurance approved by the Commission for the purpose of this section and effected between an insurer within the meaning of the *Insurance Act* and the Superannuated Teachers of Ontario or any other organization prescribed by the regulations for the purpose of this section.

R.S.O. 1980,  
c. 218

Form of  
direction

(2) The Commission is not required to accept or to act upon a direction that is not in a form approved by the Commission, and the Commission may impose and require compliance with such conditions as the Commission considers appropriate before accepting or acting upon a direction.

Application  
of s. 43 (1)

(3) Subsection 43 (1) (which prevents assignment of an allowance) does not apply to prevent deductions and remittances under subsections (1) and (2).

**13.** Section 46 of the said Act is amended by adding thereto the following subsection:

Employment  
for fewer  
than  
twenty days

(3) Notwithstanding subsection (1), a person in receipt of a superannuation allowance under this or a predecessor Act who is employed in education for fewer than twenty days in a school year is entitled upon application to the Commission, after the end of the school year, to a refund of contributions made to the Fund by or for the person during the school year.

**14.** Section 64 of the said Act is amended by adding thereto the following subsections:

Delivery of  
valuations  
to Minister

(4) The actuary shall deliver to the Minister every valuation made under subsection (3) forthwith after making the valuation.

Transmittal  
of copy to  
Commission

(5) The Minister shall transmit to the Commission a copy of each valuation delivered by the actuary under subsection (4).

Transmittal  
of copies  
under  
R.S.O. 1980,  
c. 373

(6) The Minister shall transmit to the Pension Commission of Ontario the copies of valuations delivered by the actuary



under subsection (4) that are required by or under the *Pension Benefits Act*.

**15.—**(1) Clause 75 (1) (e) of the said Act is repealed and the following substituted therefor:

- (e) authorizing the Commission to require boards, contributors to the Fund, recipients of allowances under this Act or applicants for allowances under this Act to furnish information to or for the use of the Commission, and prescribing the form thereof and the information to be furnished.

**(2) Subsection 75 (1) of the said Act is amended by adding thereto the following clauses:**

- (t) providing for and regulating the granting of credit in the Fund to persons employed in education in respect of past teaching service in schools or institutions in Ontario prescribed for the purpose of this clause, prescribing conditions in respect of the giving of such credit, prescribing the amount or the method of calculating the amount of the credit, and prescribing the method of calculating the payment that must be made and the terms of payment to the Fund in order to obtain the credit;
- (u) prescribing minimum allowances under this or a predecessor Act and providing for the payment thereof or for payments to increase an allowance under this or a predecessor Act that is below the prescribed minimum allowance, prescribing the classes of persons to whom any such minimum allowance shall be paid, and providing for the payment out of the Consolidated Revenue Fund of all or any part of any such minimum allowance or of any amount to be paid to increase allowances under this or a predecessor Act to the amount of a prescribed minimum allowance.

**16.—**(1) This Act, except sections 1, 2, 3, 4, 5, 10, 11 and 13, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsections 1 (1) and (2) and sections 5, 10 and 11 shall be deemed to have come into force on the 1st day of September, 1984. Idem

(3) Subsections 1 (3), (4) and (5) and section 2 shall be deemed to have come into force on the 1st day of January, 1986. Idem



Idem

1983, c. 84

Short title

(4) Sections 3, 4 and 13 come into force on the 1st day of September, 1986 and apply in respect of school years, as defined in the *Teachers' Superannuation Act, 1983*, commencing on or after that date.

**17.** The short title of this Act is the *Teachers' Superannuation Amendment Act, 1986*.

## CHAPTER 14

### An Act to amend the Municipal Act

*Assented to February 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

**225a.**—(1) By-laws may be passed by the councils of counties for establishing and operating aerial spraying programs to control actual or potential infestations of gypsy moths. Gypsy moth control programs

(2) A program established and operated under subsection (1) shall provide that the aerial spraying shall be carried out, under contract, by a person licensed under the law of Ontario to conduct aerial spraying. Idem

(3) For the purposes of a program established and operated under subsection (1), the council of a county may enter agreements with an owner of land for the aerial spraying of the owner's land and such an agreement shall provide that the county's cost for the spraying of the land shall be paid before commencing the spraying. Agreements with land owners

(4) Where land to which an agreement under subsection (3) applies is in the possession of a tenant, the agreement shall not come into force until the tenant concurs in the agreement. Idem

(5) The council of a county and the Minister of Natural Resources may enter into agreements providing, subject to such terms and conditions as are set out in the agreement, for the indemnification of the county by the Province of Ontario for all damages and costs of proceedings resulting from a program established and operated under subsection (1). Indemnity agreements

(6) No aerial spraying shall be undertaken under a program established and operated under subsection (1) until an agreement, as described in subsection (5), has been entered into by Idem

the council of the county and the Minister of Natural Resources.

Commence-  
ment

**2.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**3.** The short title of this Act is the *Municipal Amendment Act, 1986*.

## CHAPTER 15

**An Act for granting to Her Majesty  
certain sums of money for the Public Service  
for the fiscal year ending the 31st day of March, 1986**

*Assented to February 12th, 1986*

**MOST GRACIOUS SOVEREIGN:**

Whereas it appears by messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1986; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.**—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$18,442,124,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1985, to the 31st day of March, 1986, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

\$18,442,124,000  
granted for  
fiscal year  
1985-86

(2) Where, in the fiscal year ending the 31st day of March, 1986, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

Accounting  
for  
expenditure

**2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Supply Act, 1986*.

## SCHEDULE

	ESTIMATES	SUPPLEMENTARY ESTIMATES	TOTAL
	\$	\$	\$
Agriculture and Food.....	260,470,600	55,314,600	315,785,200
Attorney General.....	210,346,000		210,346,000
Cabinet Office.....	3,506,300		3,506,300
Citizenship and Culture.....	148,018,600		148,018,600
Colleges and Universities.....	1,583,255,700	20,544,400	1,603,800,100
Community and Social Services.....	2,040,221,600	67,160,400	2,107,382,000
Consumer and Commercial Relations.....	76,566,400		76,566,400
Correctional Services.....	201,195,600	1,105,200	202,300,800
Education.....	1,633,904,700	108,000,000	1,741,904,700
Energy.....	64,026,600	306,067,600	370,094,200
Environment.....	292,196,600	350,000	292,546,600
Government Services.....	314,118,000	8,234,400	322,352,400
Health.....	6,673,444,200	72,164,200	6,745,608,400
Housing.....		2,725,300	2,725,300
Industry and Trade.....	63,677,600		63,677,600
Intergovernmental Affairs.....	3,870,100		3,870,100
Justice Policy.....	1,024,500		1,024,500
Labour.....	53,541,500	1,613,000	55,154,500
Management Board.....	190,447,500		190,447,500
Municipal Affairs and Housing.....	657,769,900		657,769,900
Municipal Affairs.....		26,479,900	26,479,900
Natural Resources.....	323,994,900	13,733,900	337,728,800
Northern Affairs.....	130,771,900		130,771,900
Northern Development and Mines.....		3,000,000	3,000,000
Office of the Assembly.....	44,600,600	7,390,100	51,990,700
Office of the Chief Election Officer.....	287,000	75,300	362,300
Office of the Lieutenant Governor.....	305,300		305,300
Office of the Ombudsman.....	4,552,000		4,552,000
Office of the Premier.....	1,905,800		1,905,800
Office of the Provincial Auditor.....	3,672,100	146,000	3,818,100
Office Responsible for Women's Issues.....	5,400,000	1,499,500	6,899,500
Resources Development Policy.....	4,698,600		4,698,600
Revenue.....	439,039,000	5,000,000	444,039,000
Skills Development.....	276,342,500	65,300,000	341,642,500
Social Development Policy....	2,170,100		2,170,100
Solicitor General.....	239,788,600		239,788,600
Tourism and Recreation.....	109,518,600		109,518,600
Transportation and Communications.....	1,068,138,600	109,529,600	1,177,668,200
Treasury and Economics.....	439,903,000		439,903,000
<b>TOTAL</b>	<b>17,566,690,600</b>	<b>875,433,400</b>	<b>18,442,124,000</b>





## CHAPTER 16

**An Act respecting the  
Labour Disputes between All-Way Transportation  
Corporation (Wheel-Trans Division)  
and Local 113, Amalgamated Transit Union**

*Assented to April 25th, 1986*

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1980.  
c. 228

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Definitions

“employees” means the employees mentioned in subsection 2 (1);

“employer” means All-Way Transportation Corporation (Wheel-Trans Division);

“expiry date” means the 31st day of December, 1985;

“Minister” means the Minister of Labour;

“parties” means the employer and the union;

“union” means Local 113, Amalgamated Transit Union.

Idem  
R.S.O. 1980,  
c. 228

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

Application  
of Act

**2.**—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

Application  
of  
R.S.O. 1980,  
c. 228

(2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

**3.**—(1) Upon the coming into force of this Act,

Strike  
terminated

(a) the strike shall be terminated immediately by the union and the employees;

Return  
to work

(b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

Resumption  
of operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out

(d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered

(e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

Idem

(f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

Compliance  
with  
subs. (1)

(2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date

were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply with necessary modifications thereto. R.S.O. 1980, c. 228

**4.**—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5. Appointment of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew. Replacement of arbitrator

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions. Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*. Powers of arbitrator

**5.**—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties. Duty of arbitrator

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect. Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to, Agreement upon some matters

(a) the matters not agreed upon between the employer and the union; and

(b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately Term of agreements

following the expiry date and expiring with the second anniversary of the expiry date.

Decision of arbitrator

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision binding

**6.—**(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

Execution of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation of agreement by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

Failure to execute agreement

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980, cc. 25, 484 not to apply

**7.** The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Act.

Hourly rates of wages, immediate increase

**8.** The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry date to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

Application of R.S.O. 1980, c. 228

**9.** Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees with necessary modifications.

**10.**—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable. Penalty

(a) if an individual, to a fine of not more than \$1,000;  
or

(b) if the employer or union, to a fine of not more than \$10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence. Continued offences

**11.**—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Act. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

**12.** The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

**13.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation. Commence-ment

**14.** The short title of this Act is the *Wheel-Trans Labour Dispute Settlement Act, 1986*. Short title



## CHAPTER 17

## An Act to amend the Labour Relations Act

*Assented to May 26th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. The *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**40a.**—(1) Where the parties are unable to effect a first collective agreement and the Minister has released a notice that it is not considered advisable to appoint a conciliation board or the Minister has released the report of a conciliation board, either party may apply to the Board to direct the settlement of a first collective agreement by arbitration.

First  
agreement  
arbitration

(2) The Board shall consider and make its decision on an application under subsection (1) within thirty days of receiving the application and it shall direct the settlement of a first collective agreement by arbitration where, irrespective of whether section 15 has been contravened, it appears to the Board that the process of collective bargaining has been unsuccessful because of,

Duty of  
Board

- (a) the refusal of the employer to recognize the bargaining authority of the trade union;
- (b) the uncompromising nature of any bargaining position adopted by the respondent without reasonable justification;
- (c) the failure of the respondent to make reasonable or expeditious efforts to conclude a collective agreement; or
- (d) any other reason the Board considers relevant.

(3) Where a direction is given under subsection (2), the first collective agreement between the parties shall be settled by a board of arbitration unless within seven days of the giv-

Choice of  
arbitrator



ing of the direction the parties notify the Board that they have agreed that the Board arbitrate the settlement.

Arbitration  
by Board

(4) Where the parties give notice to the Board of their agreement that the Board arbitrate the settlement of the first collective agreement, the Board,

- (a) shall appoint a date for and commence a hearing within twenty-one days of the giving of the notice to the Board; and
- (b) shall determine all matters in dispute and release its decision within forty-five days of the commencement of the hearing.

Private  
arbitration

(5) Where the parties do not agree that the Board arbitrate the settlement of the first collective agreement, each party, within ten days of the giving of the direction under subsection (2), shall inform the other party of the name of its appointee to the board of arbitration referred to in subsection (3) and the appointees so selected, within five days of the appointment of the second of them, shall appoint a third person who shall be the chairman.

Idem

(6) If a party fails to make an appointment as required by subsection (5) or if the appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.

Idem

(7) A board of arbitration appointed under this section shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions and section 108 applies to the board of arbitration, its decision and proceedings as if it were the Board.

Idem

(8) The remuneration and expenses of the members of a board of arbitration appointed under this section shall be paid as follows:

- 1. A party shall pay the remuneration and expenses of the member appointed by or on behalf of the party.
- 2. Each party shall pay one-half of the remuneration and expenses of the chairman.

Idem

R.S.O. 1980,  
c. 205

(9) Subsections 6 (8), (9), (10), (12), (13), (14), (17) and (18) of the *Hospital Labour Disputes Arbitration Act* and subsections 44 (8) and (10) of this Act apply with necessary modifications to a board of arbitration established under this section.

(10) The date of the first hearing of a board of arbitration appointed under this section shall not be later than twenty-one days after the appointment of the chairman. Idem

(11) A board of arbitration appointed under this section shall determine all matters in dispute and release its decision within forty-five days of the commencement of its hearing of the matter. Idem

(12) The Minister may appoint a mediator to confer with the parties and endeavour to effect a settlement. Mediation

(13) The employees in the bargaining unit shall not strike and the employer shall not lock out such employees where a direction has been given under subsection (2) and, where such a direction is made during a strike by, or a lock-out of, employees in the bargaining unit, the employees shall forthwith terminate the strike or the employer shall forthwith terminate the lock-out and the employer shall forthwith reinstate the employees in the bargaining unit in the employment they had at the time the strike or lock-out commenced, Effect of  
direction on  
strike or  
lock-out

(a) in accordance with any agreement between the employer and the trade union respecting reinstatement of the employees in the bargaining unit; or

(b) where there is no agreement respecting reinstatement of the employees in the bargaining unit, on the basis of the length of service of each employee in relation to that of the other employees in the bargaining unit employed at the time the strike or lock-out commenced, except as may be directed by an order of the Board made for the purpose of allowing the employer to resume normal operations.

(14) The requirement to reinstate employees set out in subsection (13) applies notwithstanding that replacement employees may be performing the work of employees in the bargaining unit, but the said subsection does not apply so as to require reinstatement of an employee where, because of the permanent discontinuance of all or part of the business of the employer, the employer no longer has persons engaged in performing work of the same or a similar nature to work which the employee performed before the strike or lock-out. Non-  
application

(15) Where a direction has been given under subsection (2), the rates of wages and all other terms and conditions of employment and all rights, privileges and duties of the employer, the employees and the trade union in effect at the time notice was given under section 14 shall continue in effect, Working  
conditions  
not  
to be altered

or, if altered before the giving of the direction, be restored and continued in effect until the first collective agreement is settled.

Non-application

(16) Subsection (15) does not apply so as to effect any alteration in rates of wages or in any other term or condition of employment agreed to by the employer and the trade union.

Matters to be accepted or considered

(17) In arbitrating the settlement of a first collective agreement under this section, matters agreed to by the parties, in writing, shall be accepted without amendment.

Effect of settlement

(18) A first collective agreement settled under this section is effective for a period of two years from the date on which it is settled and it may provide that any of the terms of the agreement, except its term of operation, shall be retroactive to such day as the Board may fix, but not earlier than the day on which notice was given under section 14.

Extension of time

(19) The parties, by agreement in writing, or the Minister may extend any time limit set out in this section, notwithstanding the expiration of such time.

Non-application

(20) This section does not apply to the negotiation of a first collective agreement,

- (a) where one of the parties is an employers' organization accredited under section 127 as a bargaining agent for employers; or
- (b) where the agreement is a provincial agreement within the meaning of section 137.

Application

(21) This section applies to an employer and a trade union where the trade union has acquired or acquires bargaining rights for employees of the employer before or after the coming into force of this section and the bargaining rights have been acquired since the 1st day of January, 1984 and continue to exist at the time of an application under subsection (1).

Application for termination, etc.

(22) Notwithstanding subsection (2), where an application under subsection (1) has been filed with the Board and a final decision on the application has not been issued by it and there has also been filed with the Board, either or both,

- (a) an application for a declaration that the trade union no longer represents the employees in the bargaining unit; and

- (b) an application for certification by another trade union as bargaining agent for employees in the bargaining unit,

the Board shall consider the applications in the order that it considers appropriate and if it grants one of the applications, it shall dismiss any other application described in this section that remains unconsidered.

(23) An application for a declaration that a trade union no longer represents the employees in the bargaining unit filed with the Board after the Board has given a direction under subsection (2) is of no effect unless it is brought after the first collective agreement is settled and unless it is brought in accordance with subsection 57 (2). Idem

(24) An application for certification by another trade union as bargaining agent for employees in the bargaining unit filed with the Board after the Board has given a direction under subsection (2) is of no effect unless it is brought after the first collective agreement is settled and unless it is brought in accordance with subsections 5 (4), (5) and (6). Idem

(25) The *Arbitrations Act* does not apply to an arbitration under this section. R.S.O. 1980.  
c. 25  
does not  
apply

**2. This Act comes into force on the day it receives Royal Assent.** Commence-  
ment

**3. The short title of this Act is the *Labour Relations Amendment Act, 1986*.** Short title



## CHAPTER 18

**An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue Fund**

*Assented to June 2nd, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,700,000,000.

Loans up to  
\$1,700,000,000  
R.S.O. 1980,  
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act, 1983* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

1983, c. 84

R.S.O. 1980,  
c. 348

**2.** No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1987.

Limitation

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** The short title of this Act is the *Ontario Loan Act, 1986*.

Short title





## CHAPTER 19

**An Act to amend the  
Regional Municipality of Sudbury Act  
and the Education Act**

*Assented to June 12th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**68.** In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980,  
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in

clauses (a) and (c) of the definition of “commercial assessment”;

“weighted assessment” means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

**(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12, and sections 72 to 76 of the said Act are repealed and the following substituted therefor:**

Definition

**71.—(1)** In this section, “total net regional levy” means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Regional  
rating by-law

**(2)** For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determi-  
nation  
of  
commercial  
rate

**(3)** The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determi-  
nation  
of  
residential  
rate

**(4)** The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area  
municipality  
to  
adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt  
real property

(7) The full value of all rateable property shall be used in determining,

Full value  
to be used

(a) the rates to be levied under subsections (3) and (4);  
and

(b) the assessment on which the levy shall be made  
under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,  
c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment  
and advance  
payments

(a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and

(b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default

annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension  
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determi-  
nation  
of  
school rates

**71a.**—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem  
R.S.O. 1980,  
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to  
area  
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area  
municipality  
to levy and  
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value  
to be used

(5) The full value of all applicable rateable property shall be used in determining,

- (a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;
- (b) the rates mentioned in subsection (1); and

- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*, R.S.O. 1980, c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980, c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act. Definitions in R.S.O. 1980, c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1). Non-application of R.S.O. 1980, c. 129, s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board. Application of R.S.O. 1980, c. 129

**71b.**—(1) In this section, Definitions

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes; R.S.O. 1980, c. 302

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy. Area municipality levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product, Determination of commercial mill rates

- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determina-  
tion  
of  
residential  
mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-  
application of  
R.S.O. 1980,  
c. 302,  
s. 158;  
c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area  
municipality  
levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt  
real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim  
financing,  
Regional  
Council

**71c.**—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final  
instalment  
reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim  
financing,  
area  
municipalities

**71d.**—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial



assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in  
December of  
preceding  
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determi-  
nation  
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment  
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy  
deducted  
from  
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy  
in excess of  
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application  
of  
R.S.O. 1980,  
c. 302

**71e.** Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of  
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).



## Definitions

**72.**—(1) In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,  
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,  
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,  
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,  
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,  
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,  
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-  
82-83,  
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

- (a) the taxes for local purposes for the year; and
- (b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

- (a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31
- (b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361
- (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or R.S.O. 1980, c. 384
- (d) the *Municipal Grants Act, 1980* (Canada), 1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*; R.S.O. 1980, c. 209

R.S.O. 1980,  
c. 302

- (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,  
c. 384

- (d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of  
portion of  
telephone  
and  
telegraph tax  
R.S.O. 1980,  
c. 302

**73.**—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of  
taxes added  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

- (2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by  
treasurer

- (3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of  
R.S.O. 1980,  
c. 302, s. 161  
(18-24)

- (4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of  
payments  
in lieu  
and  
telephone  
and telegraph  
levies

**73a.**—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.

3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Alternative  
payment  
schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities.

Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues.

General  
revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Overpayment

Region-wide  
reassessment

**74.**—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application  
of new  
assessment  
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,  
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of  
assessment  
roll

R.S.O. 1980,  
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
in 1987 or  
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory  
return of  
updated roll  
every fourth  
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution  
required

(8) Except as provided in subsection (9), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of  
R.S.O. 1980,  
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on  
appeal



Where  
property  
described  
in class  
prescribed  
under  
subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No  
amendment  
to  
collector's  
roll  
R.S.O. 1980,  
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of  
rates for  
pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of  
appeal  
preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations  
may be  
retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may  
make grants

**75.—**(1) Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.



(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out  
of Consol-  
idated  
Revenue  
Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting  
increases  
in taxes  
following  
change in  
assessment  
base  
R.S.O. 1980,  
c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board  
apportion-  
ments

(a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;

R.S.O. 1980,  
c. 122

(b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980,  
c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations  
may be  
retroactive

**2.—**(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Non-application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

**(2) Section 214 of the said Act is amended by adding thereto the following subsection:**

Non-application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

**(3) The said Act is amended by adding thereto the following section:**

Regulations for apportionment.  
Sudbury District Roman Catholic Separate School Board  
Idem

**214a.**—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where estimated data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

R.S.O. 1980, c. 441

**(4) Section 222 of the said Act is amended by adding thereto the following subsection:**

Non-application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

**(5) Section 225 of the said Act is repealed and the following substituted therefor:**

This Part to prevail where conflict  
R.S.O. 1980, c. 441

**225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

Transition

**3.** Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*

*Sudbury Act* as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

4. This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-  
ment

5. The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title



## CHAPTER 20

### **An Act regulating the Amounts that Persons may charge for rendering Services that are Insured Services under the Health Insurance Act**

*Assented to June 20th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### **1. In this Act,**

#### Definitions

“Board” means the Health Services Appeal Board under the *Health Insurance Act*;

R.S.O. 1980,  
c. 197

“dentist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of dentistry;

R.S.O. 1980,  
c. 196

“General Manager” means the General Manager appointed under section 4 of the *Health Insurance Act*;

“insured person” means a person who is entitled to insured services under the *Health Insurance Act* and the regulations made under it;

“insured service” means a service that is an insured service under the *Health Insurance Act* and the regulations made under it;

“Minister” means the Minister of Health;

“optometrist” means a person who is authorized under the *Health Disciplines Act* to engage in the practice of optometry;

“physician” means a legally qualified medical practitioner who is lawfully entitled to practise medicine in Ontario;

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*;

“practitioner” means a physician, an optometrist or a dentist;

“unauthorized payment” means the amount of money by which the amount a practitioner has charged and been paid for rendering an insured service to an insured person exceeds the amount payable under the Plan for rendering that service to that insured person.

Persons  
not to charge  
more than  
OHIP  
R.S.O. 1980,  
c. 197

**2.**—(1) A physician or an optometrist who does not submit his or her accounts directly to the Plan under section 21 or 22 of the *Health Insurance Act* or a dentist shall not charge more or accept payment for more than the amount payable under the Plan for rendering an insured service to an insured person.

Account  
due

(2) A practitioner referred to in subsection (1) shall not accept payment in respect of an insured service rendered to an insured person until after the practitioner receives notice that the patient has been reimbursed by the Plan unless the insured person consents to make the payment on an earlier date.

Agreement  
for  
determining  
amount

**3.**—(1) The Minister of Health may enter into agreements with the associations mentioned in subsection (2), as representatives of physicians, dentists and optometrists, to provide for methods of negotiating and determining the amounts payable under the Plan in respect of the rendering of insured services to insured persons.

Associations

(2) The associations representing physicians, dentists and optometrists are,

- (a) the Ontario Medical Association, in respect of physicians;
- (b) the Ontario Dental Association, in respect of dentists; and
- (c) the Ontario Association of Optometrists, in respect of optometrists.

Idem

(3) The Lieutenant Governor in Council may make a regulation providing that the Minister may enter into an agreement under subsection (1) with a specified person or organization other than an association mentioned in subsection (2).

General  
Manager  
to pay  
excess

**4.**—(1) Where the Minister is satisfied that a person has paid an unauthorized payment to a practitioner, the Minister may direct the General Manager to pay to the person the amount of the unauthorized payment.

(2) Where a person has paid an unauthorized payment to a practitioner and the General Manager has paid the person under subsection (1), the practitioner is indebted to the Plan for an amount equal to the sum of the amount of the unauthorized payment and the administrative charge prescribed by the regulations.

Practitioner  
indebted

(3) The General Manager may recover from a practitioner part or all of any money the practitioner owes the Plan under subsection (2) by set off against any money payable to the practitioner by the Plan.

General  
Manager to  
recover  
money

(4) If the General Manager recovers money from a practitioner under subsection (3), the General Manager shall forthwith serve on the practitioner notice of the amount recovered, the account in respect of which it was recovered and the practitioner's right under section 5 to request a review of the issue of whether the practitioner has received the unauthorized payment.

Notice of  
recovery

(5) The notice under subsection (4) shall be served by registered mail addressed to the person to whom the notice is being given at the person's latest known address and the service shall be considered to have been made on the seventh day after the day of mailing unless the person to whom notice is given establishes that he or she, acting in good faith, did not receive the notice until a later date.

Service  
of notice

**5.—**(1) A practitioner is entitled to a review of the issue of whether the practitioner has received an unauthorized payment if within fifteen days after receiving the notice under subsection 4 (4) the practitioner mails or delivers to the General Manager written notice requesting a review.

Practitioner  
entitled to  
review

(2) The General Manager, upon receiving a request for a review in accordance with subsection (1), shall refer the matter to the Chairman of the Board.

Referral  
for review

(3) The Chairman of the Board may from time to time appoint a member of the Board to conduct a review under this Act.

Persons  
to review

(4) A member of the Board conducting a review shall inquire into whether the practitioner has received an unauthorized payment.

Terms of  
reference

(5) The General Manager, the practitioner and the insured person have the right to make written representations to the member of the Board conducting the review.

Right to  
representa-  
tions



Advise  
General  
Manager

(6) The member of the Board conducting a review shall advise the General Manager and the practitioner in writing as to whether, in the person's opinion, the practitioner has received an unauthorized payment and, if so, the amount of that payment.

General  
Manager  
to pay

(7) If the member of the Board conducting a review advises the General Manager that the General Manager recovered more from the practitioner than the sum of the unauthorized payment, if any, and the administrative charge, the General Manager shall pay the practitioner,

- (a) if the member finds there was no unauthorized payment, the total amount recovered; or
- (b) if the member finds there was an unauthorized payment, the difference between the amount recovered and the amount that should have been recovered.

Remuner-  
ation of  
Board

6. The members of the Board shall be paid such remuneration in respect of their services in connection with the administration of this Act as the Lieutenant Governor in Council determines.

Disclosure  
of  
information  
R.S.O. 1980,  
c. 197

7. Despite subsection 44 (1) of the *Health Insurance Act*, the General Manager, the Minister and one other person engaged in the administration of this Act who is designated in writing by the Minister may furnish to,

- (a) a member of the Board;
- (b) the person to whom insured services were rendered or where a person other than the person to whom the insured services were rendered was charged for those services, the person who was so charged; and
- (c) any other person, with the consent of the person to whom the services were rendered,

information pertaining to the nature of the insured services, the date or dates on which the insured services were provided and for whom, the name and address of the person who provided the services, the amounts paid or payable by the Plan for such services and the person to whom the money was paid or is payable, for the purpose of enforcing this Act.

Offence

8.—(1) A physician, a dentist or an optometrist who contravenes section 2 is guilty of an offence and on conviction is liable to a fine of not more than \$250 for the first offence and \$1,000 for any subsequent offence.

(2) When a prosecution is conducted by a private prosecutor and the defendant is convicted, the court may determine the actual costs reasonably incurred in conducting the prosecution and, despite section 61 of the *Provincial Offences Act*, may order those costs to be paid by the defendant to the prosecutor.

Costs of  
prosecution

R.S.O. 1980,  
c. 400

**9.** The Lieutenant Governor in Council may make a regulation prescribing the administrative charge for the purpose of subsection 4 (2), such charges not to exceed \$150.

Regulations

**10.** Subsection 8 (1) of the *Health Insurance Act*, being chapter 197 of the Revised Statutes of Ontario, 1980, is amended by striking out “and not more than nine” in the second and third lines.

**11.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

**12.** The short title of this Act is the *Health Care Accessibility Act, 1986*.

Short title



## CHAPTER 21

### An Act to amend the Education Act

*Assented to June 24th, 1986*

Whereas section 93 of the *Constitution Act, 1867* embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario; and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of Grade 10; and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and whereas it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools, by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools; and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 17, 1982, chapter 20, section 2, 1982, chapter 32, section 1 and 1984, chapter 60, section 1, is further amended by adding thereto the following paragraphs:

35a. "Planning and Implementation Commission" means the Planning and Implementation Commission continued under section 136r;

42a. "public board" means a board of education or a secondary school board established under section 69;

46a. "Roman Catholic school board" means a separate school board that has made an election under section 136a or 136f that has been approved by the Minister;

48a. "salary" means all payments and benefits paid or provided to or for the benefit of a person who is designated under section 136-1;

59a. "separate school board" means a board that operates a separate school for Roman Catholics;

65a. "support staff" means staff other than supervisory officer staff or teaching staff.

**2.** The said Act is amended by adding thereto the following sections:

*Secondary School Education*

Election re  
secondary  
school

**136a.**—(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

By-law

(2) An election under subsection (1) shall be by by-law approved by the Minister.

Approval

(3) The Minister may approve a by-law under subsection (2) upon receiving the advice of the Planning and Implementation Commission that the Commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the Commission will permit the separate school board to provide secondary school education and will promote the best interests of public education in Ontario.

(4) The secretary of a separate school board that makes an election under subsection (1) shall forthwith transmit to the Ministry a copy of the by-law certified by the secretary.

Transmittal

(5) Upon approval of a by-law by the Minister, the Ministry shall transmit notice of the approval to the board that passed the by-law and shall transmit a copy of the by-law and notice of approval,

Notice

- (a) to the Planning and Implementation Commission;
- (b) to the secretary of every board of education that has jurisdiction in the same area as the separate school board;
- (c) to the clerk of every municipality all or part of which is within the area of jurisdiction of the separate school board; and
- (d) to the appropriate assessment commissioner.

**136b.**—(1) An election under section 136a is effective on the first day of the school year specified in the by-law approved by the Minister.

Effective date

(2) A by-law approved by the Minister after the 30th day of June in a year shall not take effect before the school year that commences in the next following year.

Election after 30th day of June

**136c.** A Roman Catholic school board has all the powers and shall perform all the duties that are conferred or imposed by this Act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants.

Powers and duties of Roman Catholic school board

**136d.**—(1) A Roman Catholic school board and a public board may enter into an agreement to provide secondary school instruction of pupils of the one board in a school or schools operated by the other board, upon payment of fees by the board requesting the instruction to the board that provides the instruction.

Agreement for education at other school

(2) The fees for the provision of the instruction shall be calculated in accordance with the regulations.

Calculation of fees

**136e.**—(1) A Roman Catholic school board is entitled to share in the legislative grants for secondary school purposes.

Legislative grants

Conditions	(2) The payment of legislative grants to a Roman Catholic school board is subject to the conditions prescribed by the regulations.
Apportionment and distribution	(3) The apportionment and distribution of legislative grants to a Roman Catholic school board is subject to the regulations.
Compliance	(4) The payment and apportionment of legislative grants to a Roman Catholic school board is subject to compliance by the Roman Catholic school board with sections 136a to 136y.
Transitional	<b>136f.</b> —(1) Where, before the coming into force of this Act, the Planning and Implementation Commission has reported to the Minister upon the implementation plan of a separate school board and has advised the Minister that the plan is appropriate for funding for the school year commencing in 1985, the separate school board is entitled to share in the legislative grants for secondary school purposes as of the first day of the school year commencing in 1985.
Conditions	(2) The entitlement under subsection (1) is subject to, <ul style="list-style-type: none"><li>(a) the separate school board electing by by-law to perform the duties of a secondary school board;</li><li>(b) the approval of the Minister; and</li><li>(c) subsections 136e (2) to (4).</li></ul>
By-law	(3) The separate school board shall forthwith after the coming into force of this section pass the by-law and transmit to the Ministry a copy certified by the secretary of the board.
Application of s. 136a (3, 5)	(4) Subsections 136a (3) (approval) and (5) (notice) apply with necessary modifications in respect of an election under this section to perform the duties of a secondary school board.
Application of s. 136b (2)	(5) Subsection 136b (2) (election after 30th day of June) does not apply in respect of a by-law under this section.
Deemed designated persons	(6) Section 136-l applies with necessary modifications in respect of the entitlements of persons designated by a public board and employed by the separate school board after the Commission has reported to the Minister under subsection (1) but before the coming into force of this section.
Secondary school grades	<b>136g.</b> —(1) For the first school year in respect of which an election is effective, the entitlement of a Roman Catholic school board under section 136e applies in respect of the sec-



ondary school grade or grades, not exceeding grades nine and ten, in which the board is providing instruction in the immediately preceding school year and in respect of the next higher grade.

(2) The entitlement of a Roman Catholic school board under section 136e applies in respect of grade nine or grade ten, or both, provided for the first time in the first school year in respect of which the election of the Roman Catholic school board is effective.

Grades nine and ten

(3) For each subsequent school year, the board's entitlement under section 136e applies in respect of the same secondary school grades as in the previous school year and in respect of the next higher grade until the entitlement applies in respect of all secondary school grades.

Additional grades

**136h.**—(1) A Roman Catholic school board is entitled to share in the legislative grants as provided in section 136e in respect of a secondary school established and operated under Part XI by a public board and transferred to and operated by the Roman Catholic school board.

French language schools

(2) The entitlement under subsection (1) is in addition to the entitlement under section 136g (secondary school grades).

Entitlement

**136i.**—(1) No member shall be elected by separate school electors to a public board that has the same or part of the same area of jurisdiction as a Roman Catholic school board.

Membership on public board

(2) Subsection (1) applies in respect of the regular election under the *Municipal Elections Act* in the year 1988 and to elections held under that Act after the year 1988.

Application  
R.S.O. 1980,  
c. 308

(3) After the end of the first calendar year in which a Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a or 136f, no member elected by separate school electors and no separate school supporter or separate school elector is eligible to be a member of a public board that has the same or part of the same area of jurisdiction as the Roman Catholic school board.

Eligibility of separate school elector

**136j.**—(1) Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes.

Payment of public secondary school rates

Application  
of subs. (1)

(2) The exemption under subsection (1) commences in respect of the year following the year in which the election of the Roman Catholic school board becomes effective under section 136b.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Estimates  
and rates  
for separate  
secondary  
school  
purposes

**136k.**—(1) The provisions of this Part that apply to the preparation and adoption of estimates and the levying and collection of rates or taxes for separate school purposes apply with necessary modifications for secondary school purposes in respect of a Roman Catholic school board.

Elementary  
and  
secondary  
estimates

(2) Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board.

Application

(3) Subsections (1) and (2) apply on and after the 1st day of January in the year next following the year in which this section comes into force.

Mandatory  
joint  
committees

**136ka.**—(1) If the area of jurisdiction of a public board is substantially the same as the area of jurisdiction of a Roman Catholic school board or if their common area of jurisdiction includes the whole of a municipality, the two boards shall establish a joint committee.

Multiple  
committees

(2) If a board is required under subsection (1) to establish more than one joint committee, the board shall ensure that at least one member of each such joint committee is a member of the other joint committee or committees.

Combined  
joint  
committee

(3) If a Roman Catholic school board is required to establish more than one joint committee and all of the public boards concerned agree, the boards concerned may establish a single combined joint committee instead of the joint committees required under subsection (1).

Composition

(4) Each joint committee and combined joint committee shall consist of such number of members as the boards concerned may agree upon and, if the boards are unable to agree, shall be composed of,

- (a) three members of each public board concerned, appointed by their respective boards; and

- (b) three members of the Roman Catholic school board, appointed by that board.

(5) If a board that appoints members to a joint committee or a combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of that board shall be a member of such section or council.

French-language  
representative

(6) Subsection (5) applies with necessary modifications if a board is required to have an English-language section or an English-language education council.

Idem

(7) Nothing in Part XI-A or XI-B applies so as to restrict the participation of a member of a joint committee or combined joint committee in any meeting of the committee or so as to prevent the member from voting on any matter at a meeting of the committee.

Idem

(8) A member of a joint committee or a combined joint committee shall hold office during the term of the members of his or her respective board and until a new board is organized and a successor is appointed or elected, as the case may be.

Term of  
office

(9) Subsection 74 (7) and subsections 75 (1), (2) and (3) apply with necessary modifications to a joint committee or combined joint committee.

Application  
of ss. 74 (7)  
and 75 (1-3)

(10) The boards concerned shall make available to the joint committee or combined joint committee such personnel and services as the boards consider necessary for the proper functioning of the joint committee or combined joint committee.

Personnel  
and services

(11) A joint committee or combined joint committee shall hold public meetings to report upon its work.

Public  
meetings

(12) A joint committee or combined joint committee is responsible for exploring opportunities for transferring facilities, leasing facilities or sharing services, facilities, resources and staff, and may make recommendations in respect of the implementation of programs for such purpose.

Recommendations

(13) A public board and a Roman Catholic school board shall consider any recommendation submitted to it in writing by a joint committee or combined joint committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by the board and any committee of the board to which such recommendation is referred.

Consideration  
of  
recommendations  
by  
boards

Reconsideration of recommendations

(14) If a recommendation requires the approval of two or more boards to be effective and one or more of the boards concerned rejects the recommendation, the board or boards that approved the recommendation may make representations to the board or boards that rejected the recommendation, in which case the board or boards that rejected the recommendation shall reconsider the recommendation and may approve or reject it.

Annual report

(15) Each joint committee and combined joint committee shall report annually upon its proceedings and the disposition of its recommendations to the public board, the Roman Catholic school board and to the Planning and Implementation Commission which shall review and comment upon the reports as part of its annual report to the Minister.

Teaching and other staffs

**136-1.**—(1) A public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations or by agreement between the boards, the persons on its supervisory officers staff, elementary teaching staff, secondary teaching staff and support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Contents of regulations and agreements

(2) The regulations or agreement referred to in subsection (1) shall provide for,

- (a) the exchange of enrolment and other data between the boards so as to enable the public board to make the calculations necessary to determine the designation referred to in subsection (1);
- (b) methods for encouraging voluntary transfers of public board teachers and supervisory officers to positions with the Roman Catholic school board and for treating a person so transferred as a designated person with all rights and entitlements provided by this Act; and
- (c) a right of first refusal, on the basis of seniority, for designated persons with respect to positions that become vacant in the public board.

Idem

(3) The regulations or agreement referred to in subsection (1) may contain provisions in addition to those required by subsection (2), including provisions related to the encouragement of the secondment and assignment of services of teach-

ers and supervisory officers of the public board to positions with the Roman Catholic school board.

(4) No agreement under subsection (1) renders inoperative any provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing to an amendment to the collective agreement.

Collective  
agreements

(5) In determining the designations referred to in subsection (1) and in implementing its employment policy thereafter, the public board shall endeavour to maintain and promote affirmative action with respect to the employment of women on its teaching staff.

Affirmative  
action

(6) The public board shall make the designations referred to in subsection (1) in each of the first ten school years during which the Roman Catholic school board performs the duties of a secondary school board but not later than the date prescribed by the regulations for each year.

Yearly  
designations

(7) The teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to, and assumed by, the Roman Catholic school board referred to in subsection (1) effective the 1st day of September next following the date upon which the public board makes the designation or upon such earlier date as the boards concerned may agree upon.

Transfer of  
employment

(8) A Roman Catholic school board to which the teaching contract, employment contract or employment relationship of any person is transferred under subsection (7) shall employ the person in a position substantially similar to the position in which the person was employed by the public board immediately before the transfer.

Similar  
employment

(9) If the Roman Catholic school board has no position as provided in subsection (8) for the designated person on the appropriate staff of the board, the designated person is entitled to receive training assistance, as prescribed by the regulations, for an alternate position on the appropriate staff, and the Roman Catholic school board shall maintain the person in its employ, provide the assistance and offer to the person employment in a position appropriate to either his or her previous or newly acquired qualifications.

Training  
assistance

(10) If a designated person objects to the transfer of employment to the Roman Catholic school board for reasons of conscience, he or she may so advise the public board and, unless it is of the opinion that the objection is not made in

Objectors



good faith, the public board shall designate another person in place of the person making the objection.

Seniority

(11) Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

Transmittal  
of lists

(12) Each public board that designates persons under this section shall transmit to the Planning and Implementation Commission in each year but not later than the date for each year fixed by the Commission, a list of the names and positions of persons that it has designated.

Compensation  
rate

(13) A designated person employed by the Roman Catholic school board has the right to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the person had continued in the employ of the public board in the first year that the person is employed by the Roman Catholic school board but if the annual rate of salary of the position in which the person is employed by the Roman Catholic school board is lower than such first-mentioned annual rate of salary, the designated person is not entitled to any increase in annual rate of salary until the annual rate of salary of the position becomes equal to such first-mentioned annual rate of salary.

Seniority and  
employment  
status

(14) A designated person employed by the Roman Catholic school board has the right to commence the employment with seniority and with probationary or permanent status with the Roman Catholic school board equal to the seniority and the probationary or permanent status the designated person would have had if the designated person had continued to be employed by the public board.

Sick leave  
credits

(15) Sick leave credits standing to a designated person's credit with the public board shall be transferred to the plan maintained by the Roman Catholic school board at the time the person's employment is transferred under subsection (7).

Credit for  
total accumu-  
lation

(16) If the number of sick leave credits transferred exceeds the total number of sick leave credits that may be accumulated under the plan to which they are transferred, the designated person shall be given credit in the plan for the number transferred but is not entitled to accumulate further sick leave credits under the plan unless the plan is amended to permit a greater accumulation.

(17) Subject to subsection (16), a designated person employed by a Roman Catholic school board is entitled to accumulate and to use sick leave credits in accordance with the plan maintained by the Roman Catholic school board.

Accumulation  
and use of  
sick leave  
credits

(18) Upon termination of employment with the Roman Catholic school board, a designated person is entitled to payment of an amount calculated in accordance with,

Gratuity

- (a) the collective agreement that applied in respect of the designated person on the last date that the designated person was employed by the public board; or
- (b) the policy of the public board as of the last date that the designated person was employed by the public board,

as the case requires, as though the designated person had been in the continuous employ of the public board.

(19) In lieu of the payment under subsection (18), the designated person is entitled to require payment of an amount calculated in accordance with,

Idem

- (a) the collective agreement that applies in respect of the designated person on the last date that the designated person is employed by the Roman Catholic school board; or
- (b) the policy of the Roman Catholic school board as of the last date that the designated person is employed by the Roman Catholic school board,

as the case requires.

(20) The amount of the payment under subsection (18) or (19) shall be shared by the public board and Roman Catholic school board in the ratio that the number of years of service of the designated person with each board bears to the total number of years of service of the designated person with such boards.

Idem

(21) Section 4 of the *Human Rights Code, 1981* applies to designated persons employed by a Roman Catholic school board in respect of their employment, advancement and promotion by the Board, notwithstanding section 23 of the said Code.

Employment,  
advancement  
and  
promotion  
1981, c. 53



## Definition

(22) In this section, "seniority" means seniority as agreed upon between the public board that employed the designated person and the organization that entered into a collective agreement with the public board in respect of the designated person, or, where there is no collective agreement, in accordance with the policy of the public board.

## Deemed designated persons

(23) This section applies with necessary modifications in respect of entitlements of teachers who were employed by a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board and who subsequent to a report to the Minister by the Commission under subsection 136f (1) but before the coming into force of this section accepted employment with the Roman Catholic school board.

## Hiring after ten-year period

**136-la.**—(1) For the purpose of maintaining the distinctiveness of separate schools, the Roman Catholic school board may require as a condition of employment that teachers hired by the board after the ten school year period mentioned in subsection 136-l (6) agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties.

## Application of 1981, c. 53

(2) Subject to subsection (1), and despite section 23 of the *Human Rights Code, 1981*, section 4 of the said Code applies to ensure that such teachers employed by a Roman Catholic school board will enjoy equal opportunity in respect of their employment, advancement and promotion by the board.

## Repeal

(3) If it is finally determined by a court that subsection (1) or (2) prejudicially affects a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, subsections (1) and (2) are repealed, it being the intention of the Legislature that the remaining provisions of the Act are separate from and independent of the said subsections.

## Staff dispute resolution

**136m.**—(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board or in respect of any matter arising under section 136-l in the employment relationship between a designated person and a Roman Catholic school board may be resolved by a grievance arbitration in accordance with this section.

## Parties

(2) The parties to the arbitration are the public board or the Roman Catholic school board, as the case requires, and the person or, if the person is employed in accordance with the

terms of a collective agreement, the organization that represents the person under the collective agreement.

(3) Either party to the dispute may notify the other party in writing of intention to submit the dispute to arbitration. Notice to arbitrate

(4) The notice shall contain the name of the first party's appointee to an arbitration board. Name of appointee

(5) The second party shall, within five days after receiving the notice, notify the first party either that the second party accepts the appointee as a single arbitrator or notify the first party of the name of the second party's appointee to the arbitration board. Response

(6) The two appointees shall, within five days after the appointment of the second of them, appoint a third person who shall be the chairman of the arbitration board. Chairman

(7) If the second party fails to give notice accepting a single arbitrator or appointing a second arbitrator, or if the two appointees fail to appoint a chairman, the appointment shall be made by the Education Relations Commission upon the request of either party to the dispute. Failure to act

(8) The single arbitrator or the arbitration board, as the case may be, shall hear the parties and issue a decision. Hearing

(9) The decision of a majority is the decision of the arbitration board, but if there is no majority, the decision of the chairman is the decision of the arbitration board. Majority

(10) The decision is final and binding upon the parties to the dispute and upon the person in respect of whom the dispute has been arbitrated and who is represented by the organization that is a party. Decision is final

(11) A party to an arbitration proceeding shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(12) A single arbitrator or a member of an arbitration board shall not have taken part before the hearing in an investigation or consideration of the subject-matter of the hearing. Prior knowledge

(13) A single arbitrator or a member of an arbitration board shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party Notice of communication

or the representative of a party except upon notice to and opportunity for all parties to participate.

Participation  
in decision

(14) No member of an arbitration board shall participate in a decision of the board unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, a decision of the board shall not be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(15) Documents and things put in evidence at an arbitration hearing shall, upon the request of the person who produced them, be released to the person by the board within a reasonable time after the matter in issue has been finally determined.

Collective  
agreement

(16) If there is a collective agreement between the parties to the dispute and the collective agreement does not provide for arbitration of such a dispute, the collective agreement shall be deemed to include subsections (1) to (15).

Vacancy on  
arbitration  
board

**136ma.**—(1) If a member of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of appointment of the chairman, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death before the arbitration board has completed its work, a replacement shall be appointed by the person or body that appointed the member, and the arbitration board shall continue to function as if such member were a member of the arbitration board from the beginning.

Chairman  
unable  
to act

(2) If the chairman of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the members of the arbitration board who shall within seven days of the giving of the notice appoint a person to be the chairman and if the appointment is not so made by the members, it shall be made by the Education Relations Commission, and after the chairman is appointed the arbitration shall begin anew.

Arbitrator  
unable  
to act

(3) If an arbitrator is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within

sixty days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitrator and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the arbitrator and if the appointment is not so made, it shall be made by the Education Relations Commission, and after the arbitrator is appointed the arbitration shall begin anew.

**136mb.** For the purpose of the arbitration and in order to reach a decision in respect of the dispute, the arbitrator or arbitration board,

Matters that may be considered by arbitrator or arbitration board

- (a) may inquire into and consider any matter that the arbitrator or arbitration board considers relevant to the arbitration; and
- (b) subject to such conditions as the arbitrator or arbitration board may establish, may permit persons who are not parties to the arbitration to participate at the hearing of the matter.

**136mc.** The arbitrator or arbitration board shall complete the consideration of the dispute and shall report the decision to the parties, the Education Relations Commission and the Planning and Implementation Commission in writing within sixty days after the giving of notice of the appointment of the arbitrator or within sixty days of the appointment of the chairman of the arbitration board, as the case may be, or within such longer period of time as may be fixed in writing by the arbitrator or arbitration board and consented to by the Education Relations Commission.

Report of arbitrator or arbitration board

**136md.** Each of the parties to an arbitration shall pay one-half of the fees and expenses of the arbitrator or, in the case of an arbitration board, of the members and chairman of the arbitration board, except that if one of the parties is a natural person and not an organization the public board or Roman Catholic school board that is the other party shall pay all of the fees and expenses of the arbitrator or of the members and chairman of the arbitration board.

Arbitration fees and expenses

**136me.** The *Arbitrations Act* does not apply to an arbitration of a dispute mentioned in section 136m, except if there is no agreement with respect to the fees of the arbitrator or of the members and chairman of an arbitration board, the fees prescribed under that Act shall be charged.

Application of R.S.O. 1980, c. 25

Pupils in  
public  
secondary  
schools

**136n.**—(1) A pupil in a public secondary school that is operated by,

- (a) the public board of which the pupil is a resident pupil; or
- (b) a public board to which the public board of which the pupil was qualified to be a resident pupil pays fees in respect of the pupil,

is entitled to continue to be a pupil in the public secondary school notwithstanding that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason of an election made under section 136a or 136f by the Roman Catholic school board that has jurisdiction in whole or in part in the same area of jurisdiction as that of the public board that,

- (c) operates the secondary school of which the pupil was a resident pupil at the time of the election by the Roman Catholic school board under section 136a or 136f; or
- (d) pays fees to the public board that operates the secondary school attended by the pupil.

Payments to  
public board

(2) A Roman Catholic school board shall make payments to a public board that has substantially the same or part of the same area of jurisdiction as the Roman Catholic school board of amounts of money in respect of the secondary school pupils who are qualified to be resident pupils of the Roman Catholic school board for secondary school purposes who exercise their right under subsection (1).

Calculation

(3) The time or times at which and manner in which the payments required by subsection (2) shall be made, the method of calculation of the amounts of the payments, and the basis for determination of the numbers of pupils in respect of whom the payments are required shall be that prescribed by the regulations.

No fees  
chargeable

(4) A public board shall not charge a fee to a Roman Catholic school board in respect of a pupil who exercises the right set out in subsection (1).

Metropolitan  
Toronto

(5) Payments required to be made by the Metropolitan Separate School Board under subsection (2) to a board of education for an area municipality in The Municipality of Metropolitan Toronto shall be made to The Metropolitan Toronto



School Board and The Metropolitan Toronto School Board shall take the payments into account in approving the estimates of the boards of education and in making its estimates under the *Municipality of Metropolitan Toronto Act*.

R.S.O. 1980,  
c. 314

(6) For the purposes of section 209, a payment under subsection (2) shall be deemed to be an estimated expenditure of the Roman Catholic school board for secondary school purposes and an estimated revenue for secondary school purposes of the public board that receives the payment.

Accounting

(7) A regulation made for the purposes of this section,

Regulations

(a) may be of general application or may apply only to such board or boards as are set out in the regulation; and

(b) may set out for different boards different times and manners in which payments shall be made, different methods of calculating the amounts of the payments and different bases for determining the number of pupils in respect of whom payments are required.

**136o.**—(1) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic school board.

Right  
to attend  
separate  
secondary  
school

(2) A person who is qualified to be a resident pupil in respect of a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if the area of jurisdiction of the Roman Catholic school board is in whole or in part the same as the area of jurisdiction of the public board.

Right  
to attend  
public  
secondary  
school

(3) The public board shall pay the fee to which the Roman Catholic school board is entitled for providing secondary school education under subsection (1), and the Roman Catholic school board shall pay the fee to which the public board is entitled for providing secondary school education under subsection (2).

Fee

(4) The fee to which a board is entitled under this section is the lesser of the fee set by the board or the fee calculated in accordance with the regulations.

Amount

(5) Upon written application, a Roman Catholic school board shall exempt a person who is qualified to be a resident

Exemption  
from  
religious  
studies

pupil in respect of a secondary school operated by a public board from programs and courses of study in religious education if,

- (a) the person is enrolled in a program that is not otherwise available to the person in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board;
- (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the person to attend a secondary school operated by a public board; or
- (c) the person is enrolled in an instructional unit of the Roman Catholic school board under Part XI.

Idem

(6) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board for a reason other than the one mentioned in clause 136o (5) (a), (b) or (c) is considered to have enrolled in all of the school's programs and courses of study in religious education.

Additional  
exemptions

(7) In addition to the exemptions provided for in subsection (5), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board shall be required to take part in any program or course of study in religious education where a parent or guardian of the person, or the person where the person is an adult, applies in writing to the Roman Catholic school board for exemption of the person therefrom.

Interpretation

**136p.** Other provisions of this Act shall be construed with necessary modifications in order to give effect to and be consistent with sections 136a to 136y.

Enforcement

**136q.** A right or duty under sections 136a to 136y may be enforced by order of the Divisional Court upon application to the court.

### *Planning and Implementation Commission*

Commission  
continued

**136r.**—(1) The Planning and Implementation Commission established under clause 9 (a) is continued and shall be composed of not more than eight members appointed by the Lieutenant Governor in Council.



(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission.

Chairman  
and vice-  
chairman

(3) The members of the Commission shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms.

Term of  
office

(4) If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Authority of  
vice-chairman

(5) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Remuneration  
and expenses

(6) A majority of the members of the Commission, including the chairman or vice-chairman, constitutes a quorum.

Quorum

(7) The Commission, in its name, may be a party to any application before the Divisional Court.

Applications  
before  
Divisional  
Court

(8) The Ministry shall provide the Commission with such staff and accommodation as the Minister considers necessary for the purposes of the Commission.

Staff and  
accommo-  
dation

**136s.**—(1) The Planning and Implementation Commission shall advise the Minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out.

Advice to  
Minister

(2) The Commission shall make an annual report to the Minister and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

(3) In addition to its annual report, the Commission may report to the Minister at any time and shall report to the Minister in such form and manner, with such information and at such times as the Minister requires.

Additional  
reports

(4) For the purpose of preparing its advice and reports to the Minister, the Commission shall consult with organizations that have a direct interest in the subject-matter of the particular advice and report, organizations and persons that the Commission considers it appropriate to consult and organizations and persons specified by the Minister.

Consultation

Matters  
to be  
considered by  
Commission

(5) For the purpose of preparing its advice and reports to the Minister, the Commission shall establish criteria in respect of and, in accordance with the criteria, shall evaluate,

- (a) plans formulated by Roman Catholic school boards to provide secondary school education;
- (b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;
- (c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;
- (d) the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools consequent upon the extension of the Roman Catholic school system and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and
- (e) any other subject specified by the Minister.

Non-  
application  
of subss.  
(4, 5)

(6) Subsections (4) and (5) do not apply in respect of annual reports.

Non-  
application  
of  
R.S.O. 1980,  
c. 446

(7) The *Regulations Act* does not apply to criteria established under subsection (5).

Implemen-  
tation  
plans

**136t.**—(1) The Planning and Implementation Commission may require a Roman Catholic school board to formulate and file with the Commission each year an implementation plan setting out details of education programs, facilities, and supervisory officers, teaching staff and other staff required by the board for the purpose of providing the secondary school education until the Roman Catholic school board has filed implementation plans in respect of all secondary school grades.

Public  
board

(2) The Commission may require a public board that is affected or that is likely to be affected by the provision of secondary school education by a Roman Catholic school board to formulate and file with the Commission annually, not later than the date specified by the Commission, a plan setting out details of changes in education programs, facilities and supervisory officers, teaching staff and other staff that will be or that are likely to be necessary in response to the provision of

secondary school education by the Roman Catholic school board.

(3) The Commission may specify the format to be used in plans to be filed by Roman Catholic school boards and public boards and may specify time limits for the filing of plans requested by the Commission.

Format

(4) Every Roman Catholic school board and every public board shall comply with a request by the Commission for the formulation and filing of a plan under subsections (1) to (3).

Compliance

(5) The *Regulations Act* does not apply to any matter specified under subsection (3).

Non-application of R.S.O. 1980, c. 446

**136u.**—(1) For the purpose of ensuring that it receives adequate information, the Planning and Implementation Commission may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards.

Public meetings

(2) Where the Commission decides to hold a meeting mentioned in subsection (1), the Commission shall give notice of the meeting to the organizations it is required to consult, to such other persons or organizations as the Commission specifies and shall give public notice of the meeting.

Notice

**136v.**—(1) Where the Planning and Implementation Commission is of the opinion that the implementation plans of one or more Roman Catholic school boards and one or more public boards that have jurisdiction in the same or part of the same area of jurisdiction as the Roman Catholic school board or boards do not together provide a method that meets the criteria set out in subsection (2), the Commission shall so notify the boards and shall specify for them the matters that must be resolved in order to meet the criteria.

Negotiations

(2) The criteria are that the method,

Criteria

- (a) must permit the Roman Catholic school board to provide viable secondary school education;
- (b) must promote the best interests of public education in Ontario;
- (c) must ensure the viability of the secondary school program offered by the public board especially in single secondary school communities; and

- (d) must ensure, in a community that has only one secondary school operated by a public board, that the secondary school will continue to be operated by the public board despite the election to provide secondary education by a Roman Catholic school board having jurisdiction in the community, unless the public board decides otherwise.

Good faith

(3) Upon receipt of the notice, the boards shall negotiate in good faith in respect of the matters specified by the Commission in order to meet the criteria set out in subsection (2).

Assistance  
by  
Commission

**136w.**—(1) A public board or a Roman Catholic school board, or the Minister, may request the Planning and Implementation Commission to arrange or assist in, or both, negotiations between or among the boards respecting any one or more of,

- (a) the transfer of the use of real or personal property;
- (b) the transfer of the ownership of real or personal property; or
- (c) the joint use or ownership of real or personal property.

Appointment  
of mediator

(2) The Minister, on the recommendation of the Planning and Implementation Commission, may appoint a mediator to confer with one or more public boards and one or more Roman Catholic school boards and to endeavour to effect an agreement between or among the boards on the matters that the Commission has specified must be resolved between them.

Duties of  
mediator

(3) The mediator shall confer with the boards and endeavour to effect an agreement and shall report the result to the Minister.

Duties of  
boards

(4) Each board shall co-operate with the mediator and shall provide forthwith to the mediator such information as is requested by the mediator, and the mediator may request the provision of such information as the mediator considers relevant to the matters to be resolved.

Remuneration  
and expenses

(5) The mediator shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred in the course of his or her duties.

Appointment  
of tribunal  
to resolve  
matters

**136x.**—(1) If a mediator reports to the Minister that the mediator was unable to effect an agreement, the Minister shall

appoint a tribunal of not more than three persons to hear and decide the matters that must be resolved.

(2) The Minister shall designate one of the members of the tribunal to be the head of the tribunal. Head of tribunal

(3) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the proceeding before the tribunal or who is acting or has, within a period of six months preceding the date of the designation of the head of the tribunal, acted as solicitor, counsel or agent of either of the parties. Eligibility of members

(4) If a member of the tribunal is unable to enter on or to carry on his or her duties so as to enable a decision to be made within sixty days after the date of the designation of the head of the tribunal, or within such longer period of time as may be fixed in writing by the tribunal and consented to by the Minister, or ceases to act by reason of withdrawal or death before the tribunal has completed its work, a replacement shall be appointed by the Minister and the tribunal shall continue to function as if the replacement member were a member of the tribunal from the beginning. Replacement of members

(5) The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties. Notice

(6) The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them. Parties

(7) In deciding the matters that must be resolved, the tribunal shall endeavour to permit the Roman Catholic school board or Roman Catholic school boards to provide secondary education and shall endeavour to promote the best interests of public education in Ontario. Criteria

(8) The tribunal, in its decision, may provide for, Decision

- (a) the transfer of the use of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;
- (b) the transfer of the ownership of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

- (c) the joint use of real property or personal property, or both, by a public board that is a party and a Roman Catholic school board that is a party in such proportions as the tribunal specifies,

or any combination of them.

Delivery of  
decision

(9) The tribunal shall give to the Minister its decision in writing, together with written reasons therefor, and the record of the proceeding forthwith after making the decision.

Order by  
Minister

(10) The Minister shall issue and transmit to the parties an order in the terms of the decision, together with a copy of the decision and the written reasons for the decision.

Retransfer

(11) Real property that is the subject of an order under subsection (10) is not subject to expropriation by a public board, but upon application the Minister with the approval of the Lieutenant Governor in Council may,

- (a) order the retransfer, subject to such conditions as are specified in the retransfer order, of the use or ownership of all or part of the real property or personal property, or both, that was transferred in accordance with an order under subsection (10);
- (b) by order vary or rescind an order under subsection (10) that provides for the joint use of any real property or personal property.

Application  
of  
R.S.O. 1980,  
c. 148

(12) The *Expropriations Act* does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section.

Enforce-  
ment of  
order

(13) The Minister shall cause a copy of an order made under this section to be filed in the office of the Registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such.

L.G. in C.  
may confirm,  
vary or  
rescind order

(14) Upon the petition of a party to a proceeding under this section, filed with the Clerk of the Executive Council within twenty-eight days after the date of an order by the Minister in the proceeding, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of the order; or
- (b) require the Minister to appoint a new tribunal to hold a new hearing of the whole or any part of the



matter upon which the order of the Minister was based.

(15) The order of the Minister after a new hearing ordered by the Lieutenant Governor in Council is not subject to petition under this section.

No further petition

(16) Upon the filing of a petition, the Minister shall file with the Clerk of the Executive Council the decision and written reasons therefor of the tribunal and a copy of the order of the Minister.

Filing of documents on petition

(17) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section.

Hearing by L.G. in C.

(18) The head of the tribunal and the other members of the tribunal who are not officers in the Public Service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act.

Remuneration and expenses

**136xa.** Notwithstanding any other provision of this Act, the ownership of real property used for purposes of a public secondary school shall not be transferred to a Roman Catholic school board before the fifth anniversary of the day this section comes into force and no mediator under section 136w or tribunal under section 136x shall make a decision affecting the ownership of any such real property before that anniversary but this section does not apply so as to prevent such a transfer before that anniversary if the public board and the Roman Catholic school board agree and the Minister approves of the transfer.

Limitation on real property transfers

**136xb.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing any matter that is referred to in sections 136a to 136y as prescribed by the regulations;
- (b) prescribing the method of determining persons to be designated under subsection 136-l (1) and the matters referred to in subsections 136-l (2) and (3);
- (c) requiring public boards and Roman Catholic school boards to confer with the Planning and Implementation Commission and branch affiliates on such matters as may be prescribed.



Conflict

**136y.** The resolution of a matter between a public board and a Roman Catholic school board under sections 136a to 136xb, except as specifically provided for in those sections, is a nullity if the result is inconsistent with any other Act, any other provision of this Act or a regulation under any Act.

## COMPLEMENTARY AMENDMENTS

**3.—(1)** Section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21 and amended by 1984, chapter 60, section 8, is further amended by adding thereto the following subsection:

Secondary  
school  
purposes

(9) The assessment of a corporation for separate school purposes under subsections (1) to (8) in respect of a Roman Catholic school board applies in the same manner in relation to secondary school purposes as to elementary school purposes.

(2) Section 186 of the said Act is amended by adding thereto the following subsection:

Exception

(7) This section does not apply to arbitrations under section 136m.

**4.** Section 5 of *The Essex County French-language Secondary School Act, 1977*, being chapter 5, shall not be construed to prevent the conveyance of the School mentioned in the said Act to a Roman Catholic school board.

**5.** Clause 154 (4) (b) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed at the end of the first calendar year in which The Carleton Roman Catholic Separate School Board makes an election that is approved by the Minister of Education under section 136a or 136f of the *Education Act*.

**6.** Subsection 121 (2) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is further amended,

(a) by adding “and” at the end of clause (c) and by striking out “and” at the end of clause (d); and

(b) by repealing clause (e),

at the end of the first calendar year in which the Metropolitan Separate School Board makes an election that is approved by the Minister under section 136a or 136f of the *Education Act*.

7. Sections 136r to 136x of the *Education Act*, as enacted by section 2 of this Act, are repealed on the 1st day of July, 1995. Repeal

8. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

9. The short title of this Act is the *Education Amendment Act, 1986*. Short title



## CHAPTER 22

### **An Act to amend the Shoreline Property Assistance Act**

*Assented to July 7th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Shoreline Property Assistance Act*, being chapter 471 of the *Revised Statutes of Ontario, 1980*, is repealed and the following substituted therefor:

**1.** In this Act,

Definitions

“building raising” means the raising of a building or structure required by reason of damage or potential damage to the building or structure;

“building relocation” means the relocation of a building or structure required by reason of damage or potential damage to the building or structure;

“building repairs” means repairs to a building or structure required by reason of damage to the building or structure;

“damage” means damage caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or body of water caused by the elements, and “potential damage” has a corresponding meaning;

“Minister” means the Minister of Municipal Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;

“municipality” means a city, town, village or township;

“prescribed” means prescribed by the regulations made under this Act;

“works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

Building  
relocation

**1a.** A loan for building relocation may be made under this Act notwithstanding that the building or structure is to be relocated on a parcel of land other than the one it was on at the time the application was made for the loan,

- (a) if at the time of the application and at the time money is advanced under the loan, the applicant is assessed as owner of both parcels;
- (b) if the declaration required by subsection 3 (3) or clause 12 (3) (a) sets out the particulars referred to in the relevant subsection for both parcels of land,

and,

- (c) the money lent shall be deemed to be lent in respect of the parcel on which the building or structure is situate after the relocation;
- (d) subsection 3 (4) applies with necessary modifications to both parcels of land where the land is in a municipality and clause 12 (3) (b) applies with necessary modifications to both parcels of land where the land is not in a municipality.

**2.** Part I of the said Act is amended by striking out the heading “Rehabilitation and Protection Loans” and inserting in lieu thereof “Loans in Municipalities”.

**3.** Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Borrowing by  
municipalities  
R.S.O. 1980,  
c. 347

(1) Subject to sections 64 and 65 of the *Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing,

- (a) the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for any or all of the construction of works, building raising, building relocation and building repairs; and

- (b) the issuing of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

**4.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:**

(1) An owner of land who is assessed as the owner thereof in a municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of,

Application  
by owner for  
loan

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

**(2) Subsection 3 (8) of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 471, section 16, is repealed and the following substituted therefor:**

(8) A loan under this Part shall not exceed the amount prescribed.

Limitation  
on loans

(9) A municipality shall not lend money for building relocation unless, following the relocation, the building or structure is in the same municipality as it was in at the time of the application for the loan.

Building  
relocation  
must be in  
same  
municipality

**5. Section 4 of the said Act is repealed and the following substituted therefor:**

**4.—(1)** The council of a municipality borrowing money under this Part shall have a competent inspector assess the need for the work, the type of work proposed and the comparability of the work with adjacent property.

Appointment  
and duties of  
inspector

(2) The inspector shall inspect the work and shall file with the clerk of the municipality an inspection and completion certificate in the prescribed form and no money shall be advanced by the municipality under the loan until the certificate has been filed.

Idem

(3) The costs of the services of the inspector shall be charged against the work inspected and shall be paid out of

Payment for  
inspector's  
services

the amount borrowed and deducted from the amount loaned under section 7.

**6. Section 11 of the said Act is repealed and the following substituted therefor:**

Discharge of  
indebtedness  
by owner

**11.** The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the treasurer of the municipality the outstanding balance of the loan together with accrued interest.

**7. Part II of the said Act, as amended by the Revised Statutes of Ontario, 1980, chapter 471, section 20, is repealed and the following substituted therefor:**

## PART II

### LOANS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Application  
by owner  
for loan

**12.—(1)** An owner of land in territory without municipal organization who is assessed as the owner thereof may make application to the Minister in the prescribed form to borrow money for the purpose of,

- (a) constructing works on the land or, with the prior consent of the Crown, on Crown land immediately adjacent to the land; or
- (b) building raising, building relocation or building repairs on the land.

Where works  
on Crown  
land

**(2)** Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory  
declaration  
of applicant

**(3)** The application shall not be acted upon unless it is accompanied by,

- (a) a declaration of the applicant stating that the applicant is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or other encumbrancer and where it has been assigned, the name and address of the assignee of the mortgage or other encumbrance; and



- (b) where there is a mortgage or other encumbrance, the written consent to the loan of each such mortgagee or other encumbrancer and assignee of the mortgage or encumbrance.

(4) The Minister is not required to hold a hearing before deciding on an application. Hearing  
not required

(5) The approval of an application under subsection (1) is in the discretion of the Minister whose decision is final and written notice of the decision shall forthwith be given to the applicant and all mortgagees and other encumbrancers and assignees referred to in subsection (3). Discretion  
of Minister

(6) A loan under this Part shall not exceed the amount prescribed. Limitation  
on loans

(7) The Minister shall lend the money borrowed under the authority of this Part in sums of \$100 or multiples thereof for a term of ten years to be repaid in equal annual payments at a rate of interest prescribed by the regulations. Loans by  
Minister

(8) No money shall be advanced under a loan under this Part unless the owner has delivered a signed note for the amount of the loan. Note  
required

**13.—**(1) In the event of any default in the repayment of a loan made under this Part, Default

- (a) interest on the amount due shall accrue during the time of such default at the rate prescribed from time to time; and

- (b) in addition to any other remedy for the recovery thereof, should the default continue for a period of one year, the outstanding balance of the loan together with accrued interest and costs shall thereupon become due and payable.

(2) The amount lent under this Part is a debt due Her Majesty in right of Ontario from the owner of the land and any subsequent owner of the land and the outstanding balance of the loan, together with interest due and costs, may be recovered by an action in any court of competent jurisdiction against the owner or any subsequent owner. Debt owing  
Her Majesty

(3) Her Majesty in right of Ontario has a special lien for the outstanding balance of a loan made under this Part, together with interest and costs, against the land in respect of Special lien

which the loan was made and against the buildings and structures on the land.

Priority

(4) The special lien conferred by subsection (3) has priority over,

- (a) every mortgage and other encumbrance in respect of which a consent to the loan was given; and
- (b) every mortgage and other encumbrance or claim that was created or that arose before the lien arose, if the mortgage, other encumbrance or claim was not registered in the proper land registry office against the title to the land at the time the lien arose.

Idem

(5) The Minister may register a notice of the special lien conferred by subsection (3) in the proper land registry office against the title of the land, and, upon registration of the notice, the special lien has, in addition to the priority given by subsection (4), priority over every mortgage or other encumbrance or claim registered in the proper land registry office against the title to the land after registration of the notice.

Additional remedies

(6) In addition to any other remedies, where there has been default in repayment of a loan made under this Part,

- (a) the amount of the loan due and unpaid, together with interest and costs, may be deducted from any money payable by the Province of Ontario to the person who is in default; and
- (b) if the land or any part of it is occupied by a tenant, the Minister may give notice in writing to the tenant requiring the tenant to pay to the Treasurer of Ontario the rent payable by the tenant as it becomes due to the amount of the loan due and unpaid, together with interest and costs.

Apportionment on subdivision of land

(7) Where a part of a parcel of land in respect of which money has been lent under this Part is sold, the Minister may apportion the amount owing, including interest and costs between the part sold and the part remaining, having regard to the effect of the works, building raising, building relocation or building repair on each part into which the parcel of land is divided and such other matters as the Minister considers appropriate, and the decision of the Minister with respect to the apportionment is final.

(8) The owner of land in respect of which money has been borrowed under this Part may obtain a discharge of the indebtedness at any time by paying to the Treasurer of Ontario the outstanding balance of the loan together with accrued interest and costs.

Discharge  
of debt

(9) Upon the repayment in full of a loan made under this Part, the Minister shall cause to be registered in the proper land registry office against the title of the land a certificate discharging the special lien conferred by subsection (3).

Idem

**13a.**—(1) The Minister shall have a competent inspector assess the need for the work, the type of work proposed and the compatibility of the work with adjacent property.

Appointment  
and duties  
of inspector

(2) The inspector shall inspect the work and shall file with the Minister an inspection and completion certificate in the prescribed form and no money shall be advanced under the loan until the certificate has been filed.

Idem

(3) The costs of the services of the inspector may be charged against the work inspected and may be paid out of the amount borrowed and deducted from the amount loaned under section 12.

Payment for  
inspector's  
services

**8. Clauses 14 (b) and (d) of the said Act are repealed and the following substituted therefor:**

(b) prescribing the maximum amount of loans that may be made under this Act;

(d) determining the rate of interest for the purposes of subsection 5 (4), subsection 9 (2), subsection 12 (7) and subsection 13 (1).

**9. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

**10. The short title of this Act is the *Shoreline Property Assistance Amendment Act, 1986*.**

Short title



## CHAPTER 23

**An Act to implement the Terms of a Settlement  
of all Claims arising out of the Contamination by  
Mercury and other Pollutants of the  
English and Wabigoon and Related River Systems**

*Assented to July 7th, 1986*

WHEREAS the Government of Canada, the Government of Ontario, Reed Inc., Great Lakes Forest Products Ltd., The Islington Indian Band and The Grassy Narrows Indian Band have entered into a settlement of all claims and causes of action, past, present and future, arising out of the discharge by Reed Inc. and its predecessors of mercury and other pollutants into the English and Wabigoon and related river systems and the continuing presence of any such pollutants, including the continuing but now diminishing presence of methylmercury, in the related ecosystems since its initial identification in 1969; Preamble

AND WHEREAS the discharge of such pollutants and governmental actions taken in consequence thereof may have had and may continue to have effects in respect of the social and economic circumstances and the health of the present and future members of the Bands;

AND WHEREAS the Government of Canada and the Government of Ontario have assumed certain obligations under the settlement in favour of the Bands;

AND WHEREAS the settlement provides, among other things, for the payment of certain sums to each Band, for the establishment of The Grassy Narrows and Islington Bands Mercury Disability Board, the establishment of the Grassy Narrows and Islington Bands Mercury Disability Fund, the payment of benefits to Band members and, subject to certain exceptions contained in the settlement, the abolition of all existing and future rights of action of the Bands and of every past, present or future member of the Bands, and the estates thereof, in respect of any claims and causes of action that are the subject of the settlement, in consideration of the rights and benefits set out in the settlement;

AND WHEREAS it is expedient that the Legislature give effect to and implement the terms of the settlement;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

**1.** In this Act,

“administrator” means a person authorized under this Act to administer the Fund in accordance with a plan document;

“applicant” means any member or past member of a Band who makes an application or on whose behalf an application is made and lodged with the administrator, and shall be deemed to include, as if a member of a Band, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“application” means a written application, in prescribed form, of an applicant and includes a medical report in prescribed form from an authorized physician;

“authorized physician” means a physician entitled to practice medicine in any jurisdiction in Canada or the United States of America and designated as an authorized physician by the Board;

“award” means a decision of the Board to make available a benefit to an applicant in respect of an application and includes a determination by the administrator which has not been reviewed by the Board;

“Band” means The Islington Band of Indians or The Grassy Narrows Band of Indians and “the Bands” means both of them and includes, for the purposes of sections 36 and 39, a registered Indian customarily resident on a reserve before the 1st day of October, 1985;

“Band Council” means the Council of a Band;

“benefit” means the monetary amounts paid or payable by the administrator pursuant to an award and “maximum benefit” means the maximum monetary amounts payable in accordance with the terms of the settlement;

“Board” means The Grassy Narrows and Islington Bands Mercury Disability Board established by this Act;

“certificate” means a resolution of the Council of the Band of which an applicant is a member, setting forth such matters as the Board may prescribe;

“condition” means an observable medical symptom, sign or condition, or combination of related medical symptoms, signs or conditions which,

- (a) is a known condition, or
- (b) has been determined by the Board to constitute a condition, on the basis that it is reasonably consistent with mercury poisoning and capable of significantly impairing the quality of life or limiting the activities of an applicant, and “known condition” means any of the conditions specified as known conditions in the settlement;

“costs of the Board” means,

- (a) fees and disbursements payable to or incurred by or on behalf of the members of the Board in connection with their duties as members,
- (b) the personal expenses of an applicant awarded by the Board under section 29, and
- (c) the expenses incurred by the Board in consulting with professionally qualified persons under clause 6 (1) (b),

but does not include the fees and disbursements of a member who is a Band representative or of a member who is an employee of any other party to the settlement;

“depletion” means the total amount of reserves maintained by the administrator;

“disability” means a condition or combination of conditions observed by an authorized physician upon examination of an applicant;

“disbursements” means the costs of travel, accommodation, meals and communications reasonably incurred by or on behalf of members of the Board in connection with their duties as members;

“fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;



“Fund” means the Grassy Narrows and Islington Bands Mercury Disability Fund established by this Act;

“plan document” means the document or documents which define the responsibilities of the administrator and includes an agreement between the Board, or members of the Board, and the administrator, the schedules prescribing criteria for persons who may obtain assistance for disability and the levels of benefits, Neurological Grading Guidelines, Clinical Neurological Examination Protocol and the form of application prescribed by the Board;

“prescribed” means prescribed by the Board;

“reserve” means, as the context requires, the land set aside for the use and benefit of a Band or an amount designated by the administrator according to actuarial principles for the satisfaction of an award;

“settlement” means a settlement made in the public interest with the Bands, as set out in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, of disputes arising out of the discharge, by Reed Inc. and its predecessors, of mercury and any other pollutants into the English and Wabigoon and related river systems, and the effects which the discharge of such mercury and other pollutants and the continuing but now diminished presence of methylmercury in the related ecosystems may have had and may continue to have upon, and the concerns raised in respect of, the social and economic circumstances and the health of the present and future members of the Bands;

“undepleted balance” means the actual balance of the Fund including accrued income, less depletion.

Purpose  
of Act

**2.** The purpose of this Act is to implement, to the extent that the legislative authority of the Legislature extends thereto, the terms of a settlement, subject to certain exceptions contained therein, of all claims, whether past, present or future, arising out of the contamination by mercury and other pollutants of the English and Wabigoon and related river systems, the terms of which settlement are embodied in a Memorandum of Agreement signed by the parties thereto in the month of November, 1985, made between Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development, Her Majesty the Queen in Right of the Province of Ontario, Reed Inc., Great Lakes Forest Products Ltd., The Islington Indian Band and The Grassy Narrows Indian Band.

**3.—**(1) A board to be known as “The Grassy Narrows and Islington Bands Mercury Disability Board” is hereby established. Board established

(2) The Board shall consist of seven members, composed of a chairman and, Composition of Board

- (a) two members, one of whom is a representative of one Band and one of whom is a representative of the other Band;
- (b) two members, each of whom is a duly qualified physician; and
- (c) two members who are not representatives or members of either Band or duly qualified physicians.

**4.—**(1) The chairman and other members of the Board shall be appointed by a search committee, constituted in accordance with the terms of the settlement, on such terms and conditions as the search committee agrees upon with each Board member. Appointment of Board members

(2) The chairman and other members of the Board may be replaced from time to time by the search committee, and every appointment or replacement must be the unanimous decision of the search committee and shall be certified in writing by each member of the committee. Appointments or replacements to be unanimous

(3) Pursuant to the settlement, Canada, Ontario, The Islington Indian Band and The Grassy Narrows Indian Band shall each pay 25 per cent of the costs of the Board. Costs of the Board

(4) Disbursements of the Board or of members of the Board, as the case may be, shall generally be in accordance with the levels from time to time in effect in respect of employees of Ontario. Level of disbursements

(5) The administrator shall, in accordance with the procedures prescribed by the regulations made under this Act, Collection of costs of Board by administrator

- (a) collect the costs of the Board from time to time from the parties liable therefor; and
- (b) pay the moneys when received to the persons entitled thereto.

(6) Neither the Board nor any member thereof is liable for any act done or decision made in good faith in relation to any aspect of its proceedings. Liability of Board

Panel for  
decision  
of Board

5. The chairman, the two Band representatives and two other members, designated for the purpose by the chairman, constitute a panel of the Board and are sufficient for the exercise of all the jurisdiction and powers of the Board in connection with the making of a decision by the Board.

Powers of  
Board

6.—(1) The Board may,

- (a) consult with and obtain the assistance of any official of the Government of Canada or of Ontario who is able to provide information, advice or assistance to the Board in respect of public health, public health education or any government programs that the Board considers may touch upon the matter of mercury poisoning;
- (b) consult with such professionally qualified persons as the Board considers necessary;
- (c) make such recommendations as the Board considers appropriate to the Bands or to any minister of the Government of Canada or Ontario;
- (d) amend the plan document in accordance with subsection 22 (1);
- (e) amend, or with the consent of the Attorney General of Ontario, terminate an agreement with an administrator and enter into an agreement with another administrator;
- (f) have regard to the terms of the settlement for the purpose of interpreting and giving effect to this Act,

and shall,

- (g) supervise the administration of the Fund and make awards or supervise the making of awards by the administrator in accordance with this Act; and
- (h) designate from time to time as authorized physicians two or more physicians that the Board considers,
  - (i) have expert knowledge in respect of conditions consistent with methylmercury poisoning, and

- (ii) will be available and may be required for the purpose of providing medical reports in respect of applicants.

(2) The Board may,

Idem

- (a) prescribe the form of an application;
- (b) prescribe the contents of an affidavit that is to accompany an application;
- (c) prescribe the matters that are to be included in a certificate;
- (d) prescribe the form of medical report to be submitted with an application;
- (e) prescribe any other matter or thing that by this Act is to be or may be prescribed.

(3) The Board may, in its discretion, make an award that takes effect on a day not earlier than the day the application relating to the award was made.

Retroactive application of award

**7.** Where the Board considers that, after the date of the settlement,

Where conduct of applicant to be considered by Board

- (a) the conduct of an applicant has contributed and is contributing to the continuation or exacerbation of a disability;
- (b) the applicant at the time of the conduct had an understanding of its possible effects; and
- (c) the conduct occurred under circumstances where the applicant knew or ought to have known that a practical alternative form of conduct without significant disadvantage was available,

the Board.

- (d) shall consider the conduct in making or reviewing an award and may establish or vary conditions in the award; and
- (e) may, where there are clear clinical grounds for concluding that the conduct has contributed to the continuation or exacerbation of the disability or where the Board finds that any condition attached to an award under clause (d) has been disregarded, make

or vary an award to provide a benefit in such lesser amount than would otherwise be provided as the Board considers appropriate.

Fund to be established

**8.**—(1) There shall be established and maintained a fund to be known as the Grassy Narrows and Islington Bands Mercury Disability Fund into which shall be deposited by each Band the sum of money set out in the settlement.

Agreement between Board and administrator

(2) The Board shall make use of the services of an administrator in the investment, management and administration of the Fund and shall, subject to the approval of the Attorney General of Ontario, enter into such agreement or agreements with any person as the Board considers necessary for that purpose.

Gifts or bequests

(3) The administrator may,

- (a) accept and administer as part of the Fund any unconditional gift or bequest from any person; and
- (b) with the approval of the Board, accept and administer in accordance with the conditions attached thereto, any conditional gift or bequest from any person.

When Board not to approve acceptance of gift or bequest

(4) The Board shall not approve the acceptance of any conditional gift or bequest if the Board considers that the conditions attached thereto are not consistent with the objects of this Act or the administration of the Fund.

Income forms part of Fund

(5) The income of the Fund shall form part of the Fund.

Benefits paid out of Fund

(6) Every benefit paid by the administrator under the authority of this Act shall be paid out of the Fund.

Fees and expenses of administrator

(7) The fees and approved expenses of the administrator as provided for in the plan document shall be paid out of the Fund.

Reserves

(8) The administrator shall, in respect of each award, set aside and maintain a reserve, determined and revised from time to time in accordance with actuarial principles, in the amount estimated to be required, together with the income thereon, to provide for the payment of benefits under the award.

When undepleted balance is less than \$100,000

(9) In the event that the undepleted balance is less than \$100,000 at any time, the administrator shall thereupon give notice thereof in writing to the Bands, the Treasurer of

Ontario and the Board and thereupon the Treasurer shall from time to time as required deposit to the Fund out of the Consolidated Revenue Fund such amount of money as is required to raise the undepleted balance to not less than \$100,000.

(10) The administrator shall provide for an audit of the Fund annually and at the end of each fiscal year shall provide a copy of the auditor's report to the Bands, the Attorney General of Ontario, the Treasurer of Ontario and the Board.

Audit of  
Fund

**9.** An applicant may, at any time before the Fund is closed, submit an application in the prescribed form for assistance from the Fund in respect of disability which the applicant believes is caused by mercury poisoning.

Application  
for  
assistance

**10.** An application shall be accompanied by,

Material to  
accompany  
application

- (a) an affidavit of the applicant setting out the matters prescribed;
- (b) in respect of the conditions manifested in the disability, a medical report from an authorized physician;
- (c) a certificate of the Council of the Band of which the applicant is a member setting out such matters as the Board prescribes; and
- (d) such other material as the Board prescribes.

**11.** Every application shall be submitted to the administrator and, in the event that an application is submitted by an applicant to the Board or to a member of the Board, the Board or the member shall forthwith transmit the application to the administrator.

Submission  
of application  
to  
administrator

**12.** The administrator shall determine whether each application is in the prescribed form and, if it is not, shall provide written notice to the applicant setting out the deficiencies.

Application  
to be in  
prescribed  
form

**13.** Any deficiencies may be corrected without resubmission of the entire application.

Corrections

**14.** Upon receipt of an application in the prescribed form, the administrator shall, within twenty-one days,

Duties of  
administrator  
on receipt of  
application

- (a) if the application qualifies in accordance with the plan document and is accompanied by the material set out in section 10, subject to clause (c), advise



the applicant and the Board in writing that the application is accepted and specify the benefit payable in accordance with the plan document;

- (b) if the application does not appear to the administrator to qualify in accordance with the plan document or is not accompanied by the material set out in section 10, advise the applicant and the Board in writing of the reason it does not appear to qualify; or
- (c) if unable to determine whether the application qualifies, or what is the benefit payable, in accordance with the plan document, or if the administrator believes that there is any reason for the application to be considered by the Board, transmit the application to the Board together with such questions for the Board's decision as the administrator considers appropriate, and advise the applicant in writing that the application has been transmitted to the Board.

Provision  
of interim  
benefits to  
applicant

**15.** When an application is transmitted to the Board under clause 14 (c), the administrator may, with the consent of the chairman, provide such benefit to the applicant as the administrator considers appropriate pending a decision from the Board and, in the event that the Board subsequently decides that an award should not be made or that a lower benefit should be provided, the amounts or the excess amounts which have been provided shall not be recovered from the applicant.

Where Board  
required to  
review  
decision

**16.** An applicant or the Board or any member of the Board may, at any time after a determination by the administrator under clause 14 (a) or (b), by notice in writing to the Board or to the applicant or to the Board and the applicant respectively, require that the decision of the administrator be reviewed.

Powers of  
Board

**17.** The Board shall, at its next meeting, or in any event within four months or, if more than two years after the coming into force of this Act, eight months after receipt of an application under clause 14 (c) or of notice under section 16, review the application and,

- (a) approve the application and make or confirm or vary an award; or
- (b) reject the application.

Provision  
of benefits

**18.** When an application is subject to review under section 16, the administrator shall, pending receipt of the Board's decision, provide a benefit, or not, in accordance with the



determination made under section 14 and, if the determination is varied by the award of the Board, the administrator shall not give retroactive effect to the award unless expressly so directed by the Board's decision.

**19.** The chairman shall set forth and certify in writing every decision of the Board and shall incorporate in the decision the answer of the Board to any question submitted by the administrator under clause 14 (c), and shall provide a copy of the decision to the applicant and to the administrator.

Chairman to  
certify  
decision  
of Board

**20.** The Board may in its sole discretion, at any time after giving notice to the applicant, on its own motion or upon request from an applicant or any member of the Board or the Attorney General of Ontario, review and vary any award.

Review by  
Board

**21.**—(1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact and law that arise in any matter before it and, subject to sections 20 and 23, every decision of the Board is final and binding and is not subject to review and, subject to this Act, shall be given effect by the administrator.

Decision  
final

(2) The *Statutory Powers Procedure Act* does not apply to the Board in its exercise of a statutory power of decision under this Act.

Non-  
application  
of  
R.S.O. 1980,  
c. 484

**22.**—(1) The Board shall not amend the plan document, except as provided for in subsection (2), without the consent of the Attorney General of Ontario, the Minister of Indian and Northern Affairs, Canada and the Band Councils.

Consent  
required to  
amend plan  
document

(2) The Board may add any further condition to the plan document and assign points in respect of such condition in conformity with the distribution of points then in effect for other conditions.

Addition of  
further  
conditions  
to plan  
document

(3) Notwithstanding anything in this Act, the Board shall make or confirm or vary each award in such amount as it considers appropriate, having regard to the nature and extent of an applicant's disability, but shall not make any award in an amount greater than the maximum benefit.

Award to be  
based on  
nature and  
extent of  
disability

**23.** The Board shall establish its own procedure including, without limitation, the location of its meetings, and any applicant aggrieved by the procedure, even where the procedure prescribed by this Act has been followed, may request the Board to review an award under section 20.

Procedure

Evidence

**24.**—(1) The Board may make any decision without hearing any evidence but may, in its sole discretion, hear evidence under oath and every member of the Board may examine or cross-examine any person.

Applicant  
may be  
heard

(2) Any applicant may appear and be heard at any meeting of the Board at which his or her application or award is to be considered or reviewed, and the Board shall provide notice to each applicant accordingly.

Examination  
of persons

**25.** No person other than a member of the Board may, except to the extent permitted by the Board in its sole discretion, examine or cross-examine any person at any meeting of the Board.

Report to be  
considered

**26.** The Board shall consider, in respect of each condition manifested in the disability, the medical report of an authorized physician before making an award.

What Board  
may consider

**27.** The Board shall consider any information, advice, report, evidence or other material or matter which, in its sole discretion, it deems useful for the purpose of deciding any matter including whether it may be appropriate to make or vary any award or awards, and may hear or, subject to subsection 24 (2), not hear any person.

No costs

**28.** The Board shall not award costs of any application.

Personal  
expenses

**29.** The Board may, in its sole discretion, direct payment of all or part of the personal expenses of an applicant in connection with an application, whether or not the Board makes an award.

Quorum

**30.**—(1) The quorum of the Board shall be four of the panel established under section 5 and the decision of three or more members of the panel is the decision of the Board, and where a decision is not concurred in by three or more members of the Board,

(a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and

(b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

Use of  
telecommuni-  
cations

(2) The Board may, with the consent of the members of the panel established under section 5 and, where applicable, of an applicant, conduct any meeting or make any decision by tele-

communications without the members being physically present in the same place.

(3) Other than for the purposes of section 32 and subject to subsection (4) of this section, not more than five members shall participate in any decision of the Board.

Five  
members  
only to  
participate  
in decision

(4) Notwithstanding section 5, the chairman may, if the nature of any decision appears to justify the consequent cost, establish a panel of all members of the Board, in which event the quorum shall be six and the decision of four or more members is the decision of the Board, and where a decision is not concurred in by four or more members of the Board,

Exception

(a) in the case of a review brought under section 16, the decision of the administrator shall be deemed to be confirmed; and

(b) in the case of an application transmitted under clause 14 (c), the application shall be deemed to be rejected.

**31.** Any member of the Board may assist an applicant in the preparation or submission of an application to the administrator or before the Board and shall not, by reason thereof, be disqualified from participating in the decision of the Board.

Assistance  
to applicant  
by Board  
member

**32.—**(1) The Fund may be terminated and closed by the Board after the expiry of three consecutive years from the date of the last award or variation of an award, but in any event not sooner than the 1st day of January, 2001, and with the consent of at least six members of the Board.

Termination  
of Fund

(2) The Board shall, before consenting to the Fund being closed, provide to the Minister of Indian and Northern Affairs, Canada, the Attorney General of Ontario and each of the Bands a report in respect of the efficacy of the Fund in achieving the objects of this Act.

Report of  
Board

(3) Upon the Board consenting to the Fund being closed,

Duty of  
administrator

(a) the administrator shall, if then possible, purchase from the balance of the Fund for every applicant then in receipt of a benefit a life annuity in the amount of the annual benefit or, if not then possible, do so as soon as it becomes possible, and thereupon advise the Board that the Fund is closed; and

(b) the administrator shall thereupon pay, to the extent of any balance of the Fund remaining, first to the

Treasurer of Ontario the total of any amounts paid by the Treasurer under subsection 8 (9), and then to each Band one-half of any balance remaining.

Board  
dissolved

(4) Upon the acceptance by the Attorney General of Ontario of the report provided for in subsection (2) and completion of the payments by the administrator provided for in subsection (3), the Board shall be dissolved.

Indemnifi-  
cation of  
Treasurer  
of Ontario

**33.** The Treasurer of Ontario shall be deemed to be and hereafter continue to be indemnified by each of the Bands, to the extent of any amounts paid to each Band under clause 32 (3) (b) together with interest calculated on such payments at a rate equal to the Consumer Price Index for Canada published by Statistics Canada, against liability for any claim by a person who would have been eligible to be an applicant but for the termination of the Fund brought against any party to the settlement in respect of the matters contemplated by the settlement.

Reciprocal  
legislation  
by Canada

**34.** This Act is enacted in contemplation of a reciprocal enactment by the Parliament of Canada for the purpose of giving effect in part to the settlement, and shall be construed accordingly.

Effect  
of Act

**35.** This Act shall have force and effect only to the extent that it is within the legislative jurisdiction of the Legislature.

Benefits not  
treated as  
income for  
purposes of  
other Acts

**36.**—(1) Notwithstanding any other Act of the Legislature, the benefits paid or payable to a member of a Band under the terms of the settlement shall not be considered or treated as income for the purposes of any other Act of the Legislature and no payment to which that member is entitled under any other Act of the Legislature shall be reduced by reason of the payment or availability of benefits to that member under the terms of the settlement.

Availability  
of programs  
or services  
not  
diminished

(2) The moneys paid to the Bands in accordance with the settlement and the benefits paid from the Fund to members of the Bands shall be considered as additional to any applicable program or service offered by the Government of Ontario, and the availability to the Bands and the members thereof of such program or service shall not be diminished by reason of the moneys paid under the settlement or the benefits paid from the Fund.

Insured  
services  
under  
R.S.O. 1980,  
c. 197

**37.** Every examination, service, test or report provided by, or at the direction of, an authorized physician in respect of an applicant in accordance with a requirement of the plan

document, the administrator or the Board shall be deemed to be an insured service under the *Health Insurance Act*.

**38.** For greater certainty, Ontario Supreme Court Action Number 14716/77 (Judicial District of York) shall be deemed to be a representative action, and its disposition in accordance with the settlement shall not be called into question in any court.

Representative action

**39.** All existing and future rights of action of the Bands and of every past, existing or future member of the Bands, and the estates thereof, in respect of claims and causes of action which are the subject of the settlement are, in consideration of and pursuant to the settlement, abolished.

Existing and future rights of action abolished

**40.**—(1) The total liability in respect of any claim by a past, present or future member of a Band or a registered Indian customarily resident on a reserve before the 1st day of October, 1985, brought against any party to the settlement in respect of matters contemplated by the settlement, whether brought before or after the Fund is closed, shall be not more than the cost, at the time of the claim, of a life annuity in the amount of the annual maximum benefit payable from the Fund at the time the claim was brought or immediately prior to the Fund being closed, as the case may be.

Limitation on liability in respect of claims

(2) Section 33 and this section shall not be deemed to contemplate that any claim described in section 33, notwithstanding the other provisions of this Act, may be brought or maintained.

Does not contemplate claims may be brought

**41.** The settlement is entire and the consideration flowing to the Bands and their present and future members therefrom shall be deemed to flow to every such member, and the settlement shall not be deemed to be divided between the Bands and their present and future members by this Act or anything done under the authority of this Act.

Settlement entire

**42.** The Lieutenant Governor in Council may make regulations prescribing, for the purposes of subsection 4 (5), the procedures to be followed in the collection of the costs of the Board and in the payment of the moneys received to the persons entitled thereto.

Regulations

**43.** The moneys required to be paid by Ontario in accordance with the terms of the settlement, including the payment of interest thereon where provided for in the settlement at the rate of 8.52 per cent per annum compounded annually from the 15th day of October, 1985, shall be paid out of the Consolidated Revenue Fund.

Moneys

Commence-  
ment

**44.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**45.** The short title of this Act is the *English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, 1986*.



## CHAPTER 24

### An Act to amend the Municipal Act

*Assented to July 7th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 112 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

**112.**—(1) Notwithstanding any general or special Act, a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof, and, without restricting the generality of the foregoing, the council shall not grant assistance by, Assistance prohibited

- (a) giving or lending any property of the municipality, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the municipality at below fair market value;
- (d) giving a total or partial exemption from any levy, charge or fee.

(2) Subsection (1) does not apply to a council that is exercising any of its power or authority under subsection 28 (6) or (7) of the *Planning Act*, 1983 where the power or authority is exercised with the approval of the Minister. Exception  
1983, c. 1

**112a.**—(1) Notwithstanding section 112, the council of a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality. Small business counselling

- (2) The council of a municipality, Small business programs



- (a) with the approval of the Lieutenant Governor in Council, may establish and maintain one or more programs to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality; and
- (b) may participate in programs established and administered by the Ministry of Industry, Trade and Technology to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality.

Idem

(3) The council of a municipality may enter agreements with the Minister of Industry, Trade and Technology with respect to the financing and operation of programs referred to in subsection (2).

Acquisition  
and leasing  
of  
land, etc.

(4) For the purposes of a program referred to in subsection (2), the council of the municipality, subject to the regulations and the terms and conditions of any agreement under subsection (3),

- (a) may acquire land and erect and improve buildings and structures for the purpose of providing leased premises for eligible small businesses or that will be leased to a corporation described in clause (d);
- (b) may make grants to corporations described in clause (d) notwithstanding section 112;
- (c) may enter into leases of real property with small businesses included in a program referred to in subsection (2);
- (d) may enter into leases of real property and other agreements related to the establishment and operation of the program with a corporation without share capital established for the purposes of encouraging the establishment and initial growth of small businesses, or any class thereof, in the municipality;
- (e) may sell, lease or otherwise dispose of any of the personal property of the municipality to any eligible small business or to a corporation described in clause (d) or may provide for the use thereof by any such small business or corporation;
- (f) may provide for the use of the services of any of the employees of the municipality by any eligible small business or by a corporation described in clause (d);

- (g) may establish a local board to administer a program established under clause (2) (a) or to administer the municipality's participation in a program referred to in clause (2) (b);
- (h) may appoint one or more of the directors of a corporation described in clause (d); and
- (i) may apply, under the *Corporations Act*, for letters patent incorporating a corporation described in clause (d) having such objects and powers as may be approved by the Minister.

R.S.O. 1980,  
c. 95

(5) Where a corporation described in clause (4) (d) leases any building or structure from a municipality, it shall use the building or structure for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2).

Idem

(6) Notwithstanding section 112,

Availability  
of assistance

- (a) a lease of real property under clause (4) (c) or (d) or subsection (5);
- (b) a sale, lease or other disposition of personal property under clause (4) (e); or
- (c) the use of personal property or the services of employees of a municipality pursuant to clauses (4) (e) and (f),

may be made or provided for at less than fair market value but this subsection ceases to apply to an eligible small business at the end of thirty-six months following the day it first occupies premises leased to it under this section.

(7) The following provisions apply to a local board established under clause (4) (g):

Local board

1. The local board is a body corporate and shall consist of such number of members as the council of the municipality may determine.
2. A person is disqualified from being a member of the local board unless the person is qualified to be elected as a member of the council of the municipality.
3. Members shall hold office until the expiration of the term of the council that appointed them and until

their successors are appointed and are eligible for reappointment.

4. Upon the coming into force of the by-law establishing the local board, all the powers, rights, authorities and privileges conferred and the duties imposed on the council of the municipality by subsections (1) and (2), clauses (4) (a) to (f) and the regulations and any agreement under subsection (3) shall be exercised by the local board but subject to such limitations as the by-law may provide.
5. The local board shall submit to the council of the municipality its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the local board and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the local board, pay out such money.
6. On or before the 1st day of March in each year, the local board shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
7. The municipal auditor shall be the auditor of the local board and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
8. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the local board.
9. Upon the repeal of the by-law establishing the local board, the local board ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

- (a) prescribing maximum amounts that may be expended by municipalities or any particular municipality under a program referred to in subsection (2);
- (b) defining “small business” for the purposes of this section.

(9) In this section,

Definitions

“eligible small business” means a small business included in a program referred to in subsection (2) that is in occupation of premises leased to it under this section;

“municipality” includes a metropolitan, regional and district municipality and the County of Oxford.

**2. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

**3. The short title of this Act is the *Municipal Amendment Act, 1986* (No. 2).**

Short title

## CHAPTER 25

**An Act to Implement the  
United Nations  
Convention on the  
Recognition and Enforcement of  
Foreign Arbitral Awards**

*Assented to July 7th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Definitions

**1.—(1)** In this Act,

“convention  
d'arbitrage”

“arbitration agreement” means an agreement in writing, whether in the form of an arbitration clause in a contract or in the form of a separate agreement, under which the parties undertake to submit to arbitration all or any disputes which have arisen or which may arise between them in respect of a legal relationship, whether contractual or not, concerning a subject-matter capable of settlement by arbitration and recognized as commercial by the law of Ontario;

“sentence  
arbitrale  
étrangère”

“foreign arbitral award” means an arbitral award made pursuant to an arbitration agreement and made outside Canada;

“convention  
d'arbitrage  
internatio-  
nale”

“international arbitration agreement” means an arbitration agreement in respect of a legal relationship,

- (a) that involves property that is outside Canada,
- (b) that envisages substantial performance or enforcement outside Canada, or
- (c) at least one party to which is domiciled or ordinarily resident outside Canada;

“partie”

“party” means a party to an arbitration agreement and includes a person claiming through or under a party.

## CHAPITRE 25

**Loi concernant la mise en oeuvre  
de la Convention de l'Organisation  
des Nations Unies pour la  
reconnaissance et l'exécution  
des sentences arbitrales étrangères**

*Sanctionnée le 7 juillet 1986*

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** (1) Les définitions qui suivent s'appliquent à la présente loi. Définitions

«convention d'arbitrage» Convention écrite, sous forme de clause compromissoire dans un contrat ou sous forme d'une convention séparée, aux termes de laquelle les parties décident de soumettre à l'arbitrage la totalité ou quelques-uns des différends s'élevant ou pouvant s'élever au sujet d'un rapport de droit, contractuel ou non contractuel, considéré comme commercial par la loi de l'Ontario et qui porte sur une question susceptible d'être réglée par voie d'arbitrage. «arbitration agreement»

«convention d'arbitrage internationale» Convention d'arbitrage, à l'égard d'un rapport de droit, selon le cas : «international arbitration agreement»

- a) concernant des biens qui se trouvent à l'extérieur du Canada;
- b) prévoyant sa mise en oeuvre ou son exécution en grande partie à l'extérieur du Canada;
- c) à laquelle au moins l'une des parties est domiciliée ou réside ordinairement à l'extérieur du Canada.

«partie» Partie à une convention d'arbitrage, y compris ses ayants droit. «party»

«sentence arbitrale étrangère» Sentence arbitrale rendue conformément à une convention d'arbitrage à l'extérieur du Canada. «foreign arbitral award»

Arbitration  
agreement in  
writing

(2) An arbitration agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of telecommunication that provide a record of the arbitration agreement or in an exchange of statements of claim and defence in which the existence of an arbitration agreement is alleged by one party and not denied by another.

Application

**2.** This Act applies to foreign arbitral awards and international arbitration agreements whether made before or after the coming into force of this Act.

Referral  
to  
arbitration

**3.—(1)** If a proceeding commenced in any court includes a matter that the parties have agreed to arbitrate under an international arbitration agreement, the court, on motion of a party, shall refer the parties to arbitration, unless it finds that the arbitration agreement is void, inoperative or incapable of being performed.

Time of  
making  
motion

(2) A party making a motion under subsection (1) shall do so no later than the time the party serves a document addressing the merits of the claim that gives rise to the motion.

Stay of  
court  
proceedings

(3) If the court refers the parties to arbitration, the court shall stay the proceeding with respect to the matter to which the arbitration relates, unless that matter is contained in a defence of set-off in which case the court shall strike out the defence with respect to that matter.

Application  
to court

**4.—(1)** A party seeking to enforce a foreign arbitral award in Ontario shall apply to the Supreme Court of Ontario or to the District Court for recognition of the foreign arbitral award.

Documents  
to be  
produced

(2) A party making an application under subsection (1) shall produce to the court,

- (a) the original arbitral award or a sworn or notarized copy of it; and
- (b) the original arbitration agreement or a sworn or notarized copy of it.

Proof of  
award

(3) A sworn or notarized statement of an arbitrator or an officer of an arbitral tribunal or board identifying a document as the arbitral award is, in the absence of evidence to the contrary, proof that the document is the original award.

Language  
of award  
or agreement

(4) Where a document referred to in subsection (2) is in a language other than English or French, the party seeking to



(2) Une convention d'arbitrage est écrite si elle est consignée dans un document signé par les parties ou dans un échange de lettres, de communications télex, de télégrammes ou d'un autre moyen de télécommunication qui en atteste l'existence, ou encore dans l'échange d'une déclaration et d'une défense dans lequel l'existence d'une telle convention est alléguée par une partie et n'est pas niée par l'autre.

Convention  
d'arbitrage  
écrite

**2** La présente loi s'applique aux sentences arbitrales étrangères et aux conventions d'arbitrage internationales, qu'elles soient rendues avant ou après l'entrée en vigueur de la présente loi.

Champ d'ap-  
plication

**3** (1) Si une instance introduite devant un tribunal comporte une question que les parties ont consenti à porter à l'arbitrage en vertu d'une convention d'arbitrage internationale, le tribunal, à la suite de la motion présentée par une partie, renvoie les parties à l'arbitrage. Toutefois, le renvoi n'a pas lieu si le tribunal constate que la convention est caduque, inopérante ou non susceptible d'être appliquée.

Renvoi à l'ar-  
bitrage

(2) La partie qui présente une motion en vertu du paragraphe (1) doit le faire au plus tard le jour où elle signifie le document qui concerne le bien-fondé de la demande qui donne lieu à la motion.

Délai pour  
présenter la  
motion

(3) Si le tribunal renvoie les parties à l'arbitrage, celui-ci ordonne la suspension de l'instance relativement à la question qui fait l'objet de l'arbitrage. Toutefois, si cette question figure dans une défense de compensation le tribunal radie la défense relativement à cette question.

Suspension de  
l'instance

**4** (1) La partie qui demande l'exécution d'une sentence arbitrale étrangère en Ontario présente une requête à la Cour suprême de l'Ontario ou à la Cour de district pour obtenir la reconnaissance de la sentence arbitrale étrangère.

Requête de  
reconnais-  
sance

(2) La partie qui présente une requête aux termes du paragraphe (1) présente au tribunal :

Documents à  
présenter

- a) l'original de la sentence arbitrale ou une copie sous serment ou notariée de cet original;
- b) l'original de la convention d'arbitrage ou une copie sous serment ou notariée de cet original.

(3) Une déclaration sous serment ou notariée d'un arbitre ou d'un agent d'un tribunal ou d'un conseil d'arbitrage qui identifie un document comme étant la sentence arbitrale fait

Preuve de la  
sentence

enforce the foreign arbitral award shall produce to the court, in addition to the document, a translation of it into English or French and a sworn or notarized statement of the translator that the translation is accurate and complete.

Recognition  
of award

5.—(1) Subject to subsections (2) and (3), the court, if satisfied that subsections 4 (2) and (4) have been complied with, shall recognize a foreign arbitral award.

Refusal to  
recognize

(2) The court may refuse to recognize a foreign arbitral award if the person against whom it is invoked satisfies the court that,

- (a) a party to the arbitration agreement was under a legal incapacity at the time the agreement was made;
- (b) the arbitration agreement is not valid under the law to which the parties subjected it or, where no law is expressly made applicable, under the law of the place where the award was made;
- (c) the person was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present a case;
- (d) the award deals with a dispute not contemplated by, or not falling within, the terms of the submission to arbitration or it contains decisions on matters beyond the scope of the submission to arbitration;
- (e) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, with the law of the place where the arbitration took place; or
- (f) the award has not yet become binding on the parties or has been set aside or suspended by a competent authority of the place in which, or under the law of which, it was made.

Idem

(3) The court may refuse to recognize a foreign arbitral award if the court finds that the subject-matter of the dispute is not capable of settlement by arbitration under the law of Ontario or recognition or enforcement of the award would be contrary to public policy.

preuve de la sentence originale, en l'absence de preuve contraire.

(4) Lorsqu'un document visé au paragraphe (2) est rédigé dans une langue autre que l'anglais ou le français, la partie qui demande l'exécution de la sentence arbitrale étrangère présente au tribunal, outre le document, une traduction de celui-ci en anglais ou en français ainsi que la déclaration du traducteur, sous serment ou notariée, attestant que la traduction est fidèle et complète.

Langue de la sentence ou de la convention

**5** (1) Sous réserve des paragraphes (2) et (3), le tribunal reconnaît la sentence arbitrale étrangère s'il est convaincu que les paragraphes 4 (2) et (4) ont été respectés.

Reconnaissance de sentence

(2) Le tribunal peut refuser de reconnaître une sentence arbitrale étrangère si la personne contre laquelle la sentence est invoquée le convainc de la réalité de l'un des faits suivants :

Refus de reconnaissance

- a) qu'une partie à la convention d'arbitrage était frappée d'une incapacité juridique au moment où la convention a été conclue;
- b) que la convention d'arbitrage n'est pas valable en vertu de la loi à laquelle les parties l'ont subordonnée ou, si aucune loi ne s'y applique expressément, en vertu de la loi du lieu où la sentence a été rendue;
- c) qu'elle n'a pas été dûment informée de la désignation de l'arbitre ou de la procédure d'arbitrage, ou qu'il lui a été impossible, pour une autre raison, de faire valoir sa cause;
- d) que la sentence porte sur un différend non visé dans le compromis ou n'entrant pas dans les prévisions de la clause compromissoire, ou qu'elle contient des décisions sur des questions qui dépassent les termes du compromis ou de la clause compromissoire;
- e) que la constitution du tribunal arbitral ou la procédure d'arbitrage n'était pas conforme à la convention des parties ou, à défaut de convention, qu'elle n'était pas conforme à la loi du lieu où l'arbitrage a eu lieu;
- f) que la sentence n'est pas encore devenue obligatoire pour les parties ou a été annulée ou suspendue par une autorité compétente du lieu où la sentence

- Severability (4) If the court refuses to recognize a foreign arbitral award under clause (2) (d) and the decisions on matters submitted to arbitration can be separated from those on matters not so submitted, the part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced.
- Enforcement **6.**—(1) A foreign arbitral award recognized by the court is enforceable in the same manner as a judgment or order of the court.
- Idem (2) A foreign arbitral award recognized by the court binds the persons as between whom it was made and may be relied on by any of those persons in any legal proceeding.
- Stay of enforcement or proceeding **7.** When an application for the setting aside or suspension of a foreign arbitral award has been made to a competent authority of the place in which, or under the law of which, it was made, the court may, on motion, stay the enforcement or the proceeding on the enforcement of the award and may, on the motion of the party seeking to enforce it, order the other party to give suitable security in respect of any damage that the party seeking to enforce it may suffer as a result of the stay.
- Crown bound **8.** This Act applies to an arbitration to which Her Majesty is a party.
- Rights saved **9.** Nothing in this Act affects any rights that otherwise exist to enforce a foreign arbitral award.
- Commence-ment **10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **11.** The short title of this Act is the *Foreign Arbitral Awards Act, 1986*.

a été rendue ou en vertu de la loi duquel elle a été rendue.

(3) Le tribunal peut également refuser de reconnaître une sentence arbitrale étrangère s'il constate que l'objet du différend n'est pas susceptible d'être réglé par voie d'arbitrage conformément à la loi de l'Ontario ou que la reconnaissance ou l'exécution de la sentence serait contraire à l'ordre public.

Idem

(4) Si le tribunal refuse de reconnaître une sentence arbitrale étrangère en vertu de l'alinéa (2) d) et que les dispositions de la sentence qui ont trait à des questions soumises à l'arbitrage peuvent être dissociées de celles qui ont trait à des questions non soumises à l'arbitrage, les premières pourront être reconnues et exécutées.

Dissociation

**6** (1) La sentence arbitrale étrangère reconnue par le tribunal est exécutoire au même titre et de la même façon qu'un jugement ou qu'une ordonnance rendue par lui.

Exécution

(2) La sentence arbitrale étrangère reconnue par le tribunal lie les personnes à l'égard desquelles elle a été rendue. Ces personnes peuvent invoquer la sentence dans toute action en justice.

Idem

**7** Lorsqu'une requête visant l'annulation ou la suspension d'une sentence arbitrale étrangère est présentée à une autorité compétente du lieu où la sentence a été rendue ou en vertu de la loi duquel elle a été rendue, le tribunal peut, sur motion, suspendre l'exécution de la sentence ou l'instance qui s'y rapporte. En outre, le tribunal peut, à la suite d'une motion de la partie qui demande l'exécution de la sentence, ordonner à l'autre partie de fournir des sûretés convenables relatives à tout dommage que peut subir, comme résultat de la suspension, la partie qui demande l'exécution.

Suspension de l'exécution ou de l'instance

**8** La présente loi s'applique à un arbitrage auquel Sa Majesté est partie.

Couronne liée

**9** La présente loi n'a pas pour effet de porter atteinte aux droits relatifs à l'exécution d'une sentence arbitrale étrangère qui existent par ailleurs.

Réserve

**10** La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Entrée en vigueur

**11** Le titre abrégé de la présente loi est *Loi de 1986 sur les sentences arbitrales étrangères*.

Titre abrégé



## CHAPTER 26

**An Act respecting the  
Protection of Rental Housing**

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;

R.S.O. 1980,  
c. 452

“Minister” means the Minister of Housing;

“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;



“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house.

Application  
of Act

**2.** This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Exemption  
from Act

**3.** This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

**4.—(1)** No rental residential property, or part thereof, shall be,

- (a) demolished;
- (b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;
- (c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

- (d) severed under section 52 of the *Planning Act, 1983*,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance.

Power of  
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,  
c. 84

Prohibition

**5.—(1)** No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption  
re:  
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences  
of  
contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement

**6.**—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (16) is attached to the notice.

Prohibition  
respecting  
notices of  
termination  
R.S.O. 1980,  
c. 232

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences  
of  
contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction  
re: writ of  
possession

**7.**—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application  
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to  
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection  
and report

(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four

Entry for  
inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time.

Copy of  
report  
made  
available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Power of  
council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met.

Information  
and public  
meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for  
meeting,  
etc.

(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,  
cc. 445, 230

Notice of  
decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to  
O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of  
decision to  
O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with

the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate that approval given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the

Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal  
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When  
certificate  
of approval  
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.

Fees

**8.** The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

**9.** The Lieutenant Governor in Council may make regulations,

- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of this Act.

**10.**—(1) If all permits required under the *Building Code Act* and the *Planning Act*, 1983 for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply.

Transition  
R.S.O. 1980,  
c. 51  
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,  
condominium  
conversion  
R.S.O. 1980,  
c. 84

**11.** Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

**12.**—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act*, 1986.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as enacted by subsection (1), is repealed on the 30th day of June, 1988.

**13.** This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988.

Repeal

**14.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**15.** The short title of this Act is the *Rental Housing Protection Act*, 1986.

Short title





## CHAPTER 27

**An Act to Authorize and Regulate the  
Payment by the Minister to Specified Persons  
on Behalf of Specified Classes of Persons for the  
Dispensing of Specified Drugs**

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“designated” means designated by the regulations;

“drug” means a drug as defined in clause 113 (1) (d) of the *Health Disciplines Act*;

R.S.O. 1980,  
c. 196

“inspector” means a person appointed under section 14;

“listed drug product” means a drug or combination of drugs identified by a specific product name or manufacturer and designated as a listed drug product;

“listed substance” means a substance, other than a drug, designated as a listed substance;

“Minister” means the Minister of Health;

“operator of a pharmacy” means,

(a) the holder of a certificate of accreditation for the operation of a pharmacy under section 135 of the *Health Disciplines Act*, or

(b) the operator of a pharmacy operated in or by a hospital that is a public hospital under the *Public Hospitals Act*;

R.S.O. 1980,  
c. 410

“physician” means a person licensed to engage in the practice of medicine under Part III of the *Health Disciplines Act*;

“prescription” means a direction from a person authorized to prescribe drugs within the scope of his or her practice of a health discipline directing the dispensing of a drug or mixture of drugs for a specified person;

“regulations” means the regulations made under this Act.

Eligible  
persons

**2.**—(1) A person who is a member of a designated class of persons is an eligible person.

Persons  
deemed  
eligible  
persons  
R.S.O. 1980,  
c. 151

(2) This Act applies to persons entitled to receive drug benefits under the *Family Benefits Act* and the regulations under it as if those persons were eligible persons.

Application  
of this Act

R.S.O. 1980,  
c. 197

**3.** This Act applies in respect of the supplying of listed drug products for eligible persons unless that supplying is an insured service as defined in the *Health Insurance Act*.

Billing  
prohibited

**4.**—(1) No operator of a pharmacy shall charge, or accept payment from, a person other than the Minister in respect of supplying a listed drug product for an eligible person pursuant to a prescription, unless the charge or payment is authorized by the regulations.

Idem

(2) No physician shall charge, or accept payment from, a person other than the Minister in respect of supplying a listed drug product for an eligible person, unless the charge or payment is authorized by the regulations.

Exception

(3) Subsections (1) and (2) do not apply to an operator of a pharmacy or a physician who supplies a listed drug product for an eligible person without knowing or having reasonable grounds to believe that the person is an eligible person.

Payment of  
claim of  
operator

**5.**—(1) An operator of a pharmacy who submits to the Minister a claim for payment in respect of supplying a listed drug product for an eligible person pursuant to a prescription is entitled to be paid by the Minister the amount provided for under section 6.

Agreement  
re price

(2) The Minister may pay an operator of a pharmacy an amount different from the amount provided for under section 6 in respect of a claim under subsection (1) if the Minister has a written agreement to that effect with the operator.

Payment  
of claim of  
physician

(3) A physician who submits to the Minister a claim for payment in respect of supplying a listed drug product for an eligible person is entitled to be paid by the Minister the amount provided for by the regulations.

(4) The person submitting a claim under subsection (1) or (3) shall include in it the information prescribed by the regulations. Information in claim

(5) Eligible persons shall be deemed to have authorized persons submitting claims under subsection (1) or (3) to include in the claims the information mentioned in subsection (4). Deemed authorization

**6.**—(1) The amount the Minister shall pay under subsection 5 (1) in respect of a listed drug product is the sum of the dispensing fee referred to in subsection (2) and the amount provided for by the regulations. Amount Minister to pay

(2) The dispensing fee the Minister shall pay to operators of pharmacies under subsection (1) for dispensing listed drug products for eligible persons shall be, Dispensing fee

- (a) where the pharmacy is operated in a hospital approved as a public hospital under the *Public Hospitals Act*, the amount prescribed by the regulations; R.S.O. 1980, c. 410
- (b) where the listed drug product does not require a prescription for sale and is designated as one to which this clause applies, no dispensing fee; and
- (c) in all other cases, the lesser of,
  - (i) the amount determined under section 7, or
  - (ii) the amount the operator charges under subsection 6 (1) of the *Prescription Drug Cost Regulation Act, 1986* (usual and customary dispensing fee). 1986, c. 28

(3) Despite subsection (1), where the Minister is satisfied that an operator of a pharmacy was not reasonably able to purchase any listed drug product of a drug at a price less than or equal to the amount provided for by the regulations for the purpose of subsection (1), the amount that the Minister shall pay under subsection 5 (1) is the sum of the dispensing fee referred to in subsection (2) and the cost to the operator of purchasing the least expensive listed drug product of the drug that is in the operator's inventory. Exception

(4) Despite subsection (1), where a prescription includes a direction that there be no substitutions and the Minister is satisfied that the operator of the pharmacy was not reasonably able to purchase the listed drug product prescribed at a price less than or equal to the amount provided for by the regu- Idem

- lations for the purpose of subsection (1), the amount that the Minister shall pay under subsection 5 (1) is the sum of the dispensing fee referred to in subsection (2) and the price designated under subsection 7 (1) of the *Prescription Drug Cost Regulation Act, 1986* as the best available price for that product.
- Idem (5) For the purpose of subsection (3), the cost to the operator of a pharmacy of purchasing a listed drug product shall be calculated in the manner provided for by the regulations.
- Definition **7.—**(1) In this section, “Association” means the Ontario Pharmacists Association.
- Determination of dispensing fee (2) The Minister and the Association may by agreement, with or without referring the matter to a fee negotiating committee, determine the dispensing fee the Minister shall pay to operators of pharmacies under subsection 6 (2).
- Idem (3) An agreement made under subsection (2) may establish classes of operators of pharmacies and provide for an amount payable in respect of each class.
- Fee negotiating committee (4) There may be established from time to time as provided under subsection (6) a fee negotiating committee to be composed of,
- (a) three voting members appointed by the Minister;
  - (b) three voting members appointed by the Association; and
  - (c) a chairman, who shall not have a vote, to be appointed jointly by the Minister and the Association.
- Remuneration of chairman (5) The remuneration and expenses of the chairman shall be paid for by the Ministry of Health.
- Mandatory negotiation (6) The Minister or the Association may, by notice in writing to the other, require that negotiation of the dispensing fee be conducted by a fee negotiating committee.
- Appointment of committee (7) Not later than seven days after the notice has been received, the Minister and the Association shall each appoint three persons to serve as members of the fee negotiating committee and shall jointly appoint a chairman of the committee.
- Negotiation (8) The committee shall begin its negotiations as soon as reasonably possible on a date to be named by the chairman.

(9) If, after both sides on the committee have negotiated in good faith, the Minister or the Association believes that the committee's negotiations have reached an impasse, that person, by written notice to the chairman and the other person, may request that the chairman recommend a dispensing fee to the committee.

Negotiations  
at impasse

(10) The chairman may obtain and use any relevant information that the chairman believes may be useful in formulating the recommendation.

Chairman's  
recommendation

(11) The chairman shall recommend a dispensing fee to the committee within thirty days after being requested to do so and shall provide the committee with the information upon which the recommendation was based.

Idem

(12) The committee shall resume its negotiations within seven days after receiving the chairman's recommendation.

Negotiations  
resume

(13) At any time after the committee resumes its negotiations under subsection (12), the Minister or the Association may make public the recommendation and the information upon which it was based, after first giving the other person twenty-four hours written notice of the intention to do so.

Recommendations made  
public

(14) If, after both sides on the committee have resumed negotiations in good faith, the Minister or the Association believes that the committee's negotiations have again reached an impasse, that person, by written notice to the chairman and the other person, may terminate the negotiations.

Terminate  
negotiations

(15) If, at any time in the negotiating process, a majority of the committee, including at least two persons appointed by the Minister and at least two persons appointed by the Association, agree on the appropriate dispensing fee, the chairman on behalf of the committee shall submit that dispensing fee to the Minister and to the Association as the committee's proposed dispensing fee.

Committee  
agreement

(16) The Minister and the Association shall in writing notify each other of their acceptance or rejection of the committee's proposed dispensing fee within fourteen days after receiving it.

Notice of  
acceptance

(17) If the Minister or the Association rejects the committee's proposed dispensing fee, the committee shall resume its negotiations within seven days thereafter and this section applies as if the committee had not proposed a dispensing fee.

Rejection of  
proposed  
dispensing  
fee

Dispensing  
fee

(18) The dispensing fee for the purpose of subsection 6 (2) shall be,

- (a) if the Minister and the Association both accept the committee's proposed dispensing fee, the dispensing fee proposed;
- (b) if the Minister and the Association otherwise agree to a dispensing fee, the dispensing fee agreed upon; or
- (c) in all other cases, the dispensing fee provided for by the regulations.

Agreement

(19) The Minister and the Association may enter into a written agreement respecting any aspect of the negotiation of the dispensing fee, and in the event of a conflict between a provision of the agreement and a provision of this section, the agreement prevails.

Unlisted  
drugs,  
special case

**8.—**(1) If a physician informs the Minister that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there is not a listed drug product, the Minister may make this Act apply in respect of the supplying of that drug as if it were a listed drug product by so notifying the physician.

Notice to  
operator

(2) An operator of a pharmacy is not liable for contravening this Act or the regulations in respect of supplying a drug referred to in subsection (1) unless the operator has received notice from the physician or from the Minister that this Act applies to that supplying.

Agreement  
re-listed  
substance

**9.—**(1) The Minister may make an agreement with a supplier of a listed substance, providing for payment of a specified amount for supplying the listed substance to an eligible person under the direction of a physician.

Supplier  
not to  
charge

(2) Except as the agreement authorizes, the supplier shall not charge, or accept payment from, any person other than the Minister for supplying the listed substance to an eligible person under the direction of a physician.

Exception

(3) Subsection (2) does not apply to a supplier of a listed substance who supplies the listed substance to an eligible person without knowing or having reasonable grounds to believe that the person is an eligible person.

Refusal to  
dispense  
prohibited

**10.** No operator of a pharmacy shall refuse to supply a listed drug product for an eligible person in order to avoid the



operation of a provision of this Act but an operator may refuse to supply a listed drug product for an eligible person if the proper exercise of professional judgment so requires.

**11.**—(1) An operator of a pharmacy may notify the Minister that the operator elects not to accept payment from the Minister under section 5. Opting out

(2) Beginning ninety days after the day the Minister receives the notice under subsection (1), the operator is not entitled to payment from the Minister under section 5 and is not required to supply listed drug products for eligible persons under section 10. Idem

**12.** The Minister may consult with persons or organizations representing eligible persons, manufacturers of listed drug products, operators of pharmacies, physicians and suppliers of listed substances with respect to the amounts payable by the Minister and other matters of mutual concern arising out of this Act and the regulations. Minister to consult

**13.**—(1) No person who administers this Act or the regulations shall disclose any information about an eligible person or about the supplying of listed drug products to an eligible person. Confidentiality

(2) Subsection (1) does not apply to the disclosure of information, Exception

(a) to the person's counsel;

(b) with the consent of the eligible person;

(c) in connection with the administration of this Act, the *Prescription Drug Cost Regulation Act, 1986*, the *Health Disciplines Act*, the *Health Insurance Act*, the *Ministry of Health Act*, any other Act administered by the Minister of Health, the *Coroners Act*, the *Provincial Offences Act* or the *Criminal Code* (Canada), or any regulations made thereunder; or 1986, c. 28  
R.S.O. 1980,  
cc. 196, 197,  
280, 93, 400  
  
R.S.C. 1970,  
c. C-34

(d) if the communication does not disclose the identity of a drug that was prescribed or supplied for an identified eligible person.

**14.**—(1) The Minister may appoint inspectors for the purposes of this section. Inspectors



Examine  
books

(2) An inspector may examine any records, in whatever form, in the possession or under the control of an operator of a pharmacy or a physician, if the inspector believes on reasonable grounds that the records will assist the inspector in determining the accuracy and completeness of a claim for payment of the operator or physician or of information they are required to submit under this Act or the regulations, or in determining whether they have complied with this Act and the regulations.

Idem

(3) An inspector may examine records, in whatever form, in the possession or under the control of a wholesaler or manufacturer, if the inspector believes on reasonable grounds that the records will assist the inspector in determining the accuracy and completeness of a claim for payment of an operator of a pharmacy or physician or in determining whether the wholesaler or manufacturer have complied with this Act and the regulations.

Copies

(4) In carrying out an inspection under subsection (2), the inspector may, upon giving a receipt for it, take away a record for the purpose of making a copy, but the copy shall be made and the record shall be returned as promptly as reasonably possible.

Idem

(5) In carrying out an inspection under subsection (3), the inspector may, upon giving a receipt therefor, take away a sales record or a marketing record or both for the purpose of making a copy, but the copy shall be made and the record shall be returned as promptly as reasonably possible.

Entry

(6) An inspector may at any reasonable time, on producing proper identification, enter business premises where the inspector believes a record referred to in subsection (2) or (3) may be located for the purpose of an inspection.

Offence

**15.—**(1) A person who,

- (a) contravenes section 4 (charges a person other than the Minister);
- (b) contravenes subsection 9 (2) (supplier charges contrary to agreement);
- (c) contravenes section 10 (refuses to dispense);
- (d) refuses to submit information or knowingly furnishes false or incomplete information required to be submitted under this Act or the regulations; or

- (e) obstructs a person carrying out an inspection under section 14,

and any director or officer of a corporation who authorizes or permits such a contravention by the corporation, is guilty of an offence and on conviction is liable to a penalty of not more than \$5,000 for a first offence and \$10,000 for a second and subsequent offence.

(2) The maximum penalty that may be imposed upon a corporation is \$50,000 and not as provided in subsection (1). Idem

**16.**—(1) A manufacturer of a drug product that is designated or being considered for designation as a listed drug product shall. Conditions for listing

- (a) supply that drug product for the same price to all purchasers in Ontario, other than public hospitals purchasing solely for use in the treatment of patients and out-patients in the hospital, where the purchasers purchase the same quantity of individual units of the drug product in the same dosage form and strength; and
- (b) give to the Minister, on request, the information prescribed by the regulations concerning the production and sale of the drug product.

(2) Where a manufacturer of a drug product contravenes this section or obstructs a person carrying out an inspection under section 14, the Lieutenant Governor in Council may refuse to designate the drug product as a listed drug product, or, where it is already so designated, may remove that designation. Idem

**17.**—(1) This Act applies with necessary modifications in respect of designated pharmaceutical products and, for the purpose, a designated pharmaceutical product shall be deemed to be a listed drug product. Pharmaceutical products

(2) Section 16 and subsections 18 (2) to (5) do not apply for the purpose of subsection (1). Application of s. 16 and subss. 18 (2-5)

**18.**—(1) The Lieutenant Governor in Council may make regulations. Regulations

- (a) designating eligible classes of persons for the purposes of section 2;

- (b) prescribing conditions to be met by products or by manufacturers of products in order for the products to be eligible for designation as listed drug products;
- (c) designating a product as a listed drug product where the Lieutenant Governor in Council considers it advisable in the public interest to do so, but a product shall not be so designated if it or its manufacturer has not met the conditions described in clause (b);
- (d) designating substances other than drugs that are listed substances;
- (e) authorizing the charges that are permitted under section 4;
- (f) prescribing the information to be included in a claim under subsection 5 (4);
- (g) respecting the amounts payable by the Minister under section 5;
- (h) requiring operators of pharmacies and manufacturers and wholesalers of listed drug products to file reports to the Minister concerning the cost to operators of pharmacies and wholesalers of purchasing any drugs and prescribing the information to be included in such reports and the frequency with which such reports are to be made;
- (i) requiring operators of pharmacies and physicians to retain specified records respecting their purchase of drugs for the purposes of this Act and prescribing the period of time those records shall be retained;
- (j) prescribing the manner of calculating the cost to an operator of a pharmacy of purchasing a listed drug product for the purpose of subsection 6 (3);
- (k) designating listed drug products that do not require a prescription for sale for the purpose of clause 6 (2) (b);
- (l) designating pharmaceutical products for the purpose of section 17;

- (m) respecting any matter considered necessary or advisable to carry out the intent and purposes of this Act.

(2) In determining the amounts payable by the Minister under subsections 5 (1) and (2), the Lieutenant Governor in Council shall prescribe from time to time the best available price of the drug. Idem

- (a) as determined by the Minister from such sampling as the Minister considers appropriate; or
- (b) as estimated by the Minister, if the Minister considers the information reasonably available to the Minister is insufficient for the purpose of ascertaining the best available price.

and prescribe a percentage of the best available price, not less than 10 per cent nor greater than 20 per cent, to be added to it.

(3) In determining the best available price for a drug, no account shall be taken of a purchase of the drug for use solely in the treatment of hospital patients and out-patients. Idem

(4) In this section, "best available price" for a drug in a particular dosage form and strength, means the lowest amount, calculated per gram, milliliter, tablet, capsule or other appropriate unit, for which a listed drug product of that drug in that dosage form and strength can be purchased in Canada for wholesale or retail sale in Ontario and in calculating that amount, the Lieutenant Governor in Council shall deduct the value of any price reduction granted by the manufacturer or wholesaler or their representatives in the form of rebates, discounts, refunds, free goods or any other benefits of a like nature. Best available price

(5) Subsection (2) does not apply in respect of listed drug products designated by the regulations for the purpose of clause 6 (2) (b). Exception

(6) A regulation made under this section may be general or particular in its application. Regulations

(7) A regulation is, if it so provides, effective with reference to a period before it is filed. Retroactive

Commence-  
ment

**19.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**20.** The short title of this Act is the *Ontario Drug Benefit Act, 1986*.

## CHAPTER 28

**An Act to provide for the  
Protection of the Public in respect of the  
Cost of Certain Prescription Drugs**

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“designated” means designated by the regulations;

“dispenser” means a person who dispenses a drug pursuant to a prescription;

“drug” means a drug as defined in clause 113 (1) (d) of the *Health Disciplines Act*;

R.S.O. 1980,  
c. 196

“inspector” means a person appointed under section 12 of this Act;

“interchangeable product” means a drug or combination of drugs identified by a specific product name or manufacturer and designated as interchangeable with one or more other such products;

“operator of a pharmacy” means the holder of a certificate of accreditation for the operation of a pharmacy under section 135 of the *Health Disciplines Act*;

“prescription” means a direction from a person authorized to prescribe drugs within the scope of his or her practice of a health discipline directing the dispensing of a drug or mixture of drugs for a specified person;

“Registrar” means the Registrar of the Ontario College of Pharmacists;

“regulations” means the regulations made under this Act.

Application  
of this Act

R.S.O. 1980,  
c. 410

2. This Act does not apply to the dispensing of a drug in or by a hospital approved as a public hospital under the *Public Hospitals Act* if the drug is dispensed for a patient or an out-patient of the hospital.

Over the  
counter  
drugs  
excepted

3. Subsections 4 (2) and (3) and sections 5, 6, 7, 9 and 10 do not apply in respect of an interchangeable product that does not require a prescription for sale.

Substitution  
where named  
product

4.—(1) If a prescription directs the dispensing of a specific interchangeable product, the dispenser may dispense in its place another product that is designated as interchangeable with it.

Request for  
interchange-  
able  
product

(2) If a prescription directs the dispensing of a specific interchangeable product, the dispenser, on the request of the person for whom the product was prescribed or the person presenting the prescription, shall dispense in its place another product that is designated as interchangeable with it.

Inform  
customer

(3) If a prescription directs the dispensing of a specific interchangeable product, the dispenser shall not supply that product without informing the person for whom the product was prescribed or the person presenting the prescription, in the manner prescribed by the regulations, of the right to request an interchangeable product.

Exceptions

(4) Subsection (3) does not apply if,

(a) the amount to be charged for supplying the product specified in the prescription is not more than the least amount that would have been charged for supplying a product that is interchangeable with it and available in the dispenser's inventory;

1986, c. 27

(b) a claim for payment will be submitted to the Minister of Health under section 5 of the *Ontario Drug Benefit Act, 1986* in respect of the supplying of the product; or

(c) the product is being supplied pursuant to a repeat of the prescription.

Selection  
of inter-  
changeable  
product

(5) If a prescription directs the dispensing of a product that is not designated as an interchangeable product and there is an interchangeable product that contains a drug or drugs in the same amounts of the same active ingredients in the same dosage form as the product prescribed, the dispenser may dispense the interchangeable product.



(6) Subsections (1), (2), (3) and (5) do not apply to a prescription that includes, Exception

- (a) in the case of a written prescription, the handwritten words "no sub" or "no substitution"; or
- (b) in any other case, a direction recorded by the dispenser that there be no substitution.

**5.** If a prescription directs the dispensing of a drug for which there are interchangeable products without identifying a specific product name or manufacturer, the dispenser shall dispense an interchangeable product of that drug. Dispensing generic drug

**6.—(1)** Every operator of a pharmacy shall set a single specific amount as a usual and customary dispensing fee in respect of dispensing interchangeable products and shall file a statement with the Registrar setting out that fee. Maximum dispensing fee

(2) An operator of a pharmacy may change the usual and customary dispensing fee by filing a statement with the Registrar setting out the new fee. Change of fee

(3) The usual and customary dispensing fee becomes effective on the day the statement is received by the Registrar. Effective date of fee

(4) Every operator of a pharmacy shall post in the pharmacy, in the manner prescribed by the regulations, a notice containing the usual and customary dispensing fee filed with the Registrar and any other information prescribed by the regulations respecting the charge for interchangeable products. Notify customers

**7.—(1)** In this section, "best available price", in respect of a particular manufacturer's drug product in a particular dosage form and strength for which a prescription is dispensed, means the lowest price, calculated per gram, milliliter, capsule, tablet or other appropriate unit, for which that product in that dosage form and strength can be purchased in Canada for wholesale or retail sale in Ontario, Best available price

- (a) as determined by the Minister from such sampling as the Minister considers appropriate; or
- (b) as estimated by the Minister, if the Minister considers the information reasonably available to the Minister is insufficient for the purpose of ascertaining the best available price,

which price shall be prescribed by the regulations, and in calculating that price, the Lieutenant Governor in Council shall

deduct the value of any price reduction granted by the manufacturer or wholesaler or their representatives in the form of rebates, discounts, refunds, free goods or any other benefits of a like nature.

Determining  
base price

(2) The base price for supplying a drug product pursuant to a prescription shall be,

1986, c. 27

- (a) where the drug product is not an interchangeable product and the product is a listed drug product as defined in the *Ontario Drug Benefit Act, 1986*, the best available price of that product;
- (b) where the person issuing the prescription has specified that there shall be no substitutions, the best available price of the product prescribed;
- (c) where the person presenting the prescription has requested the dispensing of a particular interchangeable product, the best available price of that product; and
- (d) in all other cases, the best available price that is the lowest among the products in the person's inventory that are interchangeable with the product supplied.

Maximum  
charge for  
supplying  
drug  
products

(3) No person shall charge more for supplying a drug product pursuant to a prescription than the sum of,

- (a) the base price determined under subsection (2);
- (b) the percentage of that price, not less than 10 per cent and not greater than 20 per cent, that is prescribed by the regulations; and
- (c) that person's usual and customary dispensing fee unless a greater amount is provided for in the regulations.

No  
liability  
for  
dispensing  
interchange-  
able  
products

**8.** If an interchangeable product is dispensed in accordance with this Act, no action or other proceeding lies or shall be instituted against the person who issued the prescription, the dispenser or any person who is responsible in law for the acts of either of them on the grounds that an interchangeable product other than the one prescribed was dispensed.

Dispense  
entire  
quantity

**9.—(1)** Every person who dispenses a drug pursuant to a prescription shall dispense the entire quantity of the drug prescribed at one time unless before the drug is dispensed the

person presenting the prescription in writing authorizes the dispensing of the drug in smaller quantities.

(2) Despite subsection (1), the regulations may authorize dispensing a drug in less than the entire quantity prescribed under specified conditions. Exception

(3) The regulations may designate specific drugs that are to be exempt from the application of subsection (1). Idem

**10.** Every person who dispenses a drug pursuant to a prescription shall provide with the drug, in the manner prescribed by the regulations, particulars of the amount charged. Inform customer of cost of drugs

**11.** The Ontario College of Pharmacists is responsible for the enforcement of this Act in respect of operators of pharmacies and dispensers in pharmacies. Enforcement

**12.—**(1) The Ontario College of Pharmacists may appoint inspectors for the purpose of enforcing this Act. Inspectors

(2) An inspector may examine any records, in whatever form, in the possession or under the control of an operator of a pharmacy if the inspector believes on reasonable grounds that the records will assist the inspector in determining whether this Act and the regulations have been complied with. Examine books

(3) An inspector may, upon giving a receipt for it, take away a record for the purpose of making a copy, but the copy shall be made and the record shall be returned as promptly as reasonably possible. Copies

(4) An inspector may at any reasonable time on producing proper identification enter any business premises where the inspector believes a record referred to in subsection (2) may be located for the purpose of an inspection. Entry

**13.—**(1) Any person who, Offence

- (a) contravenes subsection 4 (2) (dispense product requested);
- (b) contravenes subsection 4 (3) (inform customer of interchangeable product);
- (c) contravenes section 5 (dispense interchangeable when generic prescribed);

- (d) contravenes section 6 (usual and customary dispensing fee set and posted);
- (e) contravenes section 7 (maximum allowable charge);
- (f) contravenes section 9 (dispense entire quantity);
- (g) contravenes section 10 (inform person of cost); or
- (h) obstructs any person carrying out an inspection under section 12.

and any director or officer of a corporation who authorizes or permits such a contravention by a corporation is guilty of an offence under this Act and liable to a penalty of not more than \$10,000.

Idem

(2) The maximum penalty that may be imposed upon a corporation is \$50,000 and not as provided in subsection (1).

Regulations

**14.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing conditions to be met by products or by manufacturers of products in order to be designated as interchangeable with other products;
- (b) designating a product as interchangeable with one or more other products where the Lieutenant Governor in Council considers it advisable in the public interest to do so, but a product shall not be designated as interchangeable with another product if,
  - (i) it does not contain a drug or drugs in the same amounts of the same active ingredients in the same dosage form as the other product, or
  - (ii) the product or its manufacturer has not met the conditions described in clause (a);
- (c) providing for the maximum amounts chargeable for drug products (section 7);
- (d) prescribing circumstances in which persons may charge more than their usual and customary dispensing fees.

(2) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council of the Ontario College of Pharmacists may make regulations, Idem

- (a) prescribing the manner in which persons shall be informed of the right to request an interchangeable product (subsection 4 (3));
- (b) prescribing the information to be included in a notice (subsection 6 (4)) and the manner of posting a notice;
- (c) authorizing dispensing a drug in less than the entire quantity prescribed and specifying the conditions under which that authority is to apply (subsection 9 (2));
- (d) designating specific drugs that are to be exempt from the application of subsection 9 (1);
- (e) prescribing the information concerning cost to be provided on sale and how it is to be provided (section 10);
- (f) requiring operators of pharmacies to retain specified records respecting their purchase of drugs for the purposes of this Act and prescribing the period of time those records shall be retained.

(3) Where the Minister requests in writing that the Council of the Ontario College of Pharmacists make, amend or revoke a regulation under subsection (2) and the Council has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request. Idem

(4) A regulation made under subsection (1) or (2) may be general or particular in its application. Idem

**15.—**(1) Clauses 113 (1) (e) and (i) of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Section 155 of the said Act is repealed.

(3) Clause 158 (2) (b) of the said Act is repealed.

Commence-  
ment

**16.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**17.** The short title of this Act is the *Prescription Drug Cost Regulation Act, 1986*.

## CHAPTER 29

# An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Part XI of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, sections 62 to 67 and 1984, chapter 60, sections 17 to 25, is further amended by adding thereto the following section:

**257a.** In this Part,

Definitions

“board” means,

- (a) a board of education the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board,

R.S.O. 1980,  
c. 308

and includes,

- (e) for the purposes of section 258, a district school area board, a protestant separate school board, a rural separate school board and a combined separate school board,
- (f) for the purposes of section 261, a secondary school board and a board of education formed under section 69, and



(g) for the purposes of sections 274 to 277b, a board described in clause (e) or (f);

“committee”, except in sections 274 to 277b, means a French-language advisory committee formed under section 262;

“French-language instructional unit” means a class, group of classes or school in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

“French-speaking person” means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario;

“French-speaking ratepayer” means a person who is entitled to vote at an election of members of the board and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

**2. Subsection 258 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 60, section 17, is repealed.**

**3. Section 259 of the said Act is repealed and the following substituted therefor:**

Duties and responsibilities of advisory committee in elementary schools

**259.** Where a board has established a French-language advisory committee under section 262, or an English-language advisory committee under section 272, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the elementary schools operated by the board as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes.

**4. Section 260 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 18, is repealed.**

**5.—(1) Subsections 262 (1), (2) and (3), subsection 262 (3a), as enacted by the Statutes of Ontario, 1982, chapter 32, section 63, subsection 262 (4), as amended by the Statutes of Ontario,**

1982, chapter 32, section 63, and subsection 262 (5) of the said Act are repealed and the following substituted therefor:

(1) A board by resolution shall establish a French-language advisory committee and provide for the holding of elections of members of the committee if,

French-language  
advisory  
committee

- (a) the board does not operate a French-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more French-speaking ratepayers apply in writing to the board for the establishment of the French-language advisory committee.

(1a) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meaning as in Part XI-A.

Definitions

(1b) Clause (1) (c) does not apply until the 1st day of December, 1988.

Non-appli-  
cation of  
cl. (1) (c)

(1c) The board shall pass the resolution and the elections shall be held within two months after receiving the application.

Resolution

(1d) The committee shall consist of,

Composition  
of committee

- (a) not more than three persons appointed by the board from among the members of the board; and
- (b) six French-speaking ratepayers who are not members of the board but have the qualifications to be elected to the board, elected by French-speaking ratepayers.

Qualifications (1e) A person is qualified to be appointed or elected to the committee if the person is a French-speaking ratepayer and is qualified to be elected to the board.

Disqualification (1f) A person who ceases to be qualified to be elected to a board is not qualified to act as a member of a committee.

Committee of less than nine members (2) A committee may meet and conduct business notwithstanding that fewer than three persons are appointed to it under clause (1d) (a) or that fewer than six persons are elected to it under clause (1d) (b).

Application of s. 206 (3) Section 206 applies with necessary modifications to a member of a committee under clause (1d) (b).

Term of office (4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized and a successor is appointed or elected, as the case may be.

Apportionment of members (5) The board, subject to subsections (8) and (9), shall apportion the number of members under clause (1d) (b) among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking persons who elect to receive their education in a French-language instructional unit from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

(2) Section 262 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 63, is further amended by adding thereto the following subsections:

Idem (9) Where a board has a committee that was established before the coming into force of this section and the board is required to establish a new committee under subsection (2), the board, for the purpose of making the first apportionments under subsection (5) for the new committee, shall consult with the existing committee before making the apportionment.

Dissolution (10) A committee is dissolved on the 1st day of December in a year, if no resident pupil of the board has received instruction in a French-language instructional unit operated by another board at some time in October or November of that year pursuant to an agreement described in clause (1) (b).

6. Subsection 266 (1) of the said Act is amended by inserting after "board" in the second line "from among the members of the board".

7. Section 268 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 60, section 20, is further amended by renumbering subsection (1) as subsection (1c) and by adding thereto the following subsections:

(1) The chairman of the committee has the right,

Attendance  
of committee  
chairman at  
board  
meetings

(a) to attend meetings of the board in the same manner as a member of the board; and

(b) to participate in the discussion at a meeting of the board in respect of any matter that is within the jurisdiction of the committee under subsection 267 (1).

(1a) The chairman of the committee has the right to present recommendations of the committee to the board and to speak to the recommendations.

Presentation  
of  
recommen-  
dations

(1b) The chairman of the committee may designate a member of the committee to act in the place of the chairman at any meeting of the board.

Designation  
of member  
by chairman

. . . . .

(1d) The chairman of the committee or a member of the committee designated by the chairman of the committee to attend a meeting of the committee of the whole board is subject to the same rule of confidentiality that applies to members of the board.

Confiden-  
tiality

. . . . .

(5) Every person elected to a committee, on or before the day of the first meeting of the committee that he or she attends, shall make and subscribe a declaration in the same form with necessary modifications as subsections 185 (1) and (2) require of a person elected to a board and, for the purpose,

Declaration

(a) a reference to a person elected to a board shall be deemed to be a reference to a person elected to a committee;

- (b) a reference to a person elected to fill a vacancy on a board shall be deemed to be a reference to a person elected to fill a vacancy on a committee;
- (c) a reference to a meeting shall be deemed to be a reference to a meeting of the committee or, if the person is a member of the committee designated by the chairman to attend a meeting of the board, a meeting of the committee or of the board; and
- (d) a reference to the office of trustee shall be deemed to be a reference to the office of member of the committee.

Resignation      (6) A member of a committee who fails to comply with subsection (5) shall be deemed to have resigned from the committee.

Filing            (7) A member of a committee shall file his or her declaration with the secretary of the board within eight days after making and subscribing the declaration.

**8. Subsection 272 (2) of the said Act is repealed and the following substituted therefor:**

English-language advisory committee      (2) A board by resolution shall establish an English-language advisory committee and provide for the holding of elections of members of the committee if,

- (a) the board does not operate an English-language instructional unit;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards;
- (c) the calculated enrolment of resident pupils in respect of whom the agreement or agreements are entered into is less than 300 and is less than 10 per cent of the total calculated enrolment of resident pupils of the board; and
- (d) ten or more ratepayers apply in writing to the board for the establishment of the English-language advisory committee.

(3) Sections 260 to 273 apply with necessary modifications in respect of English-language advisory committees.

Application  
of ss. 260  
to 273

(4) In this section, “calculated enrolment”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A.

Definitions

(5) Clause (2) (c) does not apply until the 1st day of December, 1988.

Non-appli-  
cation of  
clause (2) (c)

**9.**—(1) Section 274 of the said Act is amended by striking out “In this Part” in the first line and inserting in lieu thereof “In this section and in sections 275 to 277b”.

(2) Clause 274 (b) of the said Act is amended by adding at the end thereof “and includes a French-language education council and an English-language education council under Part XI-B”.

**10.**—(1) Within two months after the date on which this section comes into force, every board that has a French-language advisory committee or an English-language advisory committee under Part XI of the *Education Act* and that is not required to establish a French-language education council or an English-language education council under Part XI-B shall establish by resolution a new French-language advisory committee or a new English-language advisory committee, as the case requires, in accordance with the *Education Act*, as amended by this Act, and when the new committee takes office, the previous committee is dissolved.

Transition

(2) In subsection (1),

Definitions

“board” has the same meaning as in Part XI-A of the *Education Act*, as enacted by section 11 of this Act;

“Part XI-B” means Part XI-B of the *Education Act*, as enacted by section 11 of this Act.

(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board for the establishment of the new French-language advisory committee.

Deemed  
application

**11.** The said Act is amended by adding thereto the following Parts:



## PART XI-A

## GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION

## Definitions

**277c.** In this Part,

“board” means,

- (a) a board of education, other than a board of education for an area municipality in The Municipality of Metropolitan Toronto, the members of which are elected under the *Municipal Elections Act*,
- (b) a county or district combined separate school board,
- (c) the Metropolitan Separate School Board, or
- (d) The Windsor Roman Catholic Separate School Board;

R.S.O. 1980,  
c. 308

“calculated enrolment”, in relation to resident pupils of a board, means the number of French-language resident pupils or the number of resident pupils other than French-language resident pupils, as the case requires, calculated by the Ministry under this Part;

“estimated revenues” means revenues from all sources receivable by a board as set out in the estimates prepared and adopted by the board;

“French-language”, in relation to a resident pupil, means a resident pupil enrolled in a French-language instructional unit;

“French-language instructional unit” means a class, group of classes or school under Part XI in which French is the language of instruction but does not include a class, group of classes or school established under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

R.S.O. 1980, c. 308 “regular election” has the same meaning as in the *Municipal Elections Act*;

“resident pupil”, in respect of a board, means a pupil who is registered on a register or registers prescribed by the Minister for the purposes of this Part and who,

- (a) is qualified to be a resident pupil of the board and is enrolled in a school,



- (i) operated by the board, or
  - (ii) operated by another board to which the first-mentioned board pays fees in respect of the pupil, or
- (b) is not qualified by residence to be a resident pupil of a board but is enrolled in a school operated by the board.
- (i) pursuant to section 45, or
  - (ii) where fees are required to be paid by or on behalf of the pupil by or under this Act other than by another board, notwithstanding that the payment of all or a part of the fees is waived by the board that operates the school at which the pupil is enrolled;

“total calculated enrolment”, in relation to resident pupils of a board, means the total number of resident pupils of the board calculated by the Ministry under this Part.

**277d.**—(1) Every board that operates a French-language instructional unit shall have a French-language section of the board. French-language section

(2) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 300 resident pupils

(3) Every board that enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards shall have a French-language section of the board. 10 per cent enrolment

(4) Subsections (1) to (3) apply only if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board. Minority

(5) Subsections (1) to (3) apply only in respect of boards elected in and after the regular election in the year 1988. Application of subss. (1) to (3)

## Exception

(6) Notwithstanding any other provision of this Part, a French-language section of a board shall not be established if on the first day of the school year in which a regular election is to be held, the board is not operating a French-language instructional unit and it is not providing education for at least 285 of its resident pupils or at least 9.50 per cent of its resident pupils pursuant to an agreement as described in subsection (2) or (3).

## Authority of French-language section

**277e.** The French-language section of a board shall govern for the board the French-language instructional units of the board.

## Number of members of French-language section

**277f.** The number of members of the French-language section of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

1. The number of members of the French-language section shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.
2. In rules 1 and 3, the "total number of elected members of the board" means the total number of members as determined under section 57 or 58 or subsection 59 (2), without regard to subsection 59 (4), (5) or (6), or subsection 113 (2), without regard to subsection 113 (4), or subsection 116 (2) or as determined by or under another Act, as may be appropriate.
3. The total number of elected members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of members of the French-language section.
4. If the number of members of the French-language section determined according to rule 1 is less than three, the French-language section shall be composed of three members.
5. If rule 4 applies to determine the number of members of the French-language section, the total number of members of the board shall be increased by the number of members equal to the difference

between three members and the number of members of the French-language section determined according to rule 1.

6. The number of members of the French-language section determined according to rules 1 to 5 shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

**277g.** A person is qualified to be elected as a member of the French-language section of a board if,

Qualifications of members of French-language section

- (a) the person is qualified to be elected as a member of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

**277h.**—(1) A person is qualified to be an elector in respect of a member of the French-language section of a board if,

Elector

- (a) the person is qualified to vote in a regular election of members of the board;
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; and
- (c) the person chooses to vote only for members of the French-language section of the board and not for any other member of the board.

(2) No person is entitled to vote in a regular election for both members of the French-language section of a board and other members of the board.

Idem

**277i.**—(1) The members of the French-language section of a board shall be elected in accordance with this section by

Election

the persons qualified to vote for members of the French-language section of the board.

General vote      (2) Subject to subsections (3) to (7), the members of the French-language section of a board shall be elected by general vote.

Vote by electoral areas      (3) For the purposes of electing the members of the French-language section of a board at the regular election to be held in 1988 and for filling vacancies before the 1st day of December, 1991, where a board has a French-language advisory committee or a French-language education council, the committee or the council, as the case may be, may divide the area of jurisdiction of the board into electoral areas and determine the representation for each electoral area.

Idem      (4) For a regular election to be held in 1991, or thereafter, where a board has a French-language section, the section may divide the area of jurisdiction of the board into electoral areas for the purposes of electing the members of the next section and for filling vacancies therein and determine the representation for each electoral area.

Public meeting      (5) Before passing a resolution under subsection (3) or (4), the French-language advisory committee, French-language education council or French-language section of a board, as the case may be, shall hold at least one public meeting at which French-speaking ratepayers shall be given an opportunity to make representations on the proposed electoral areas.

Final determination      (6) Following the public meeting or meetings held under subsection (5), the electoral areas may be fixed as originally proposed or with such amendments as the committee, council or section of a board, as the case may be, considers appropriate and without holding any further public meetings.

Idem      (7) Where electoral areas have been established for an election, the members of the French-language section shall be elected by general vote in each electoral area.

Idem      (8) A resolution to establish electoral areas is of no effect unless it is passed before the 1st day of August in the year of the regular election to which it relates and unless before that date a certified copy of the resolution is delivered to the clerks of the municipalities responsible for conducting the nominations of the other members of the board.

Boundaries      (9) The clerk of a municipality shall adjust a boundary of an electoral area so as to prevent the division of polling subdivisions established for the election.

(10) The election of members of a French-language section of a board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

Election  
officers

(11) Where the area of jurisdiction of a board includes more than one municipality or includes territory without municipal organization, the nominations of the members of the French-language section of the board shall be conducted by the same municipal clerk as conducts the nominations for the other members of the board and the clerks of the municipalities shall perform the same function as returning officers as they do with respect to the election of the other members of the board.

Idem

(12) For the purpose of performing the function of returning officer, the secretary of the board shall be the clerk of each part of territory without municipal organization in the area of jurisdiction of the board that is deemed to be a district municipality for school purposes.

Idem

(13) A clerk described in subsection (8) shall provide to the clerks of the other municipalities, if any, in the area of jurisdiction of the board such information as is required by them to conduct the election of the members of the French-language section of the board.

Information

**277j.** Sections 183 and 184, except subsection 184 (11), apply with necessary modifications to a French-language section of a board.

Meetings,  
etc.

**277k.**—(1) Where a board is required to have a French-language section and the areas to be represented by members of the board are fixed by or under this or any other Act, the Minister, after considering the recommendations, if any, of the board, may by order,

Areas of  
representation

- (a) change the areas to be represented by one or more members of the board who are not members of the French-language section; and
- (b) prescribe a different method of determining the areas to be represented by one or more members of the board who are not members of the French-language section.

(2) A member of a French-language education council or a French-language section of a board shall not vote on any recommendations that the board proposes to make under subsection (1).

Limitation

## Vacancy

**277-1.**—(1) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section constitute a majority of the members elected to the section, the remaining members of the section shall, at the first regular meeting of the section after the vacancy occurs, appoint to the office a person who is qualified to be elected as a member of the section.

## Idem

(2) If the office of a member of the French-language section of a board becomes vacant and the remaining members of the section do not constitute a majority of the members elected to the section, a new election shall be held to fill the vacancy or vacancies.

## Idem

(3) A member of the French-language section of a board appointed under subsection (1) or elected under subsection (2) shall hold office for the remainder of the term of office of the membership of the board.

## Jurisdiction

**277m.**—(1) The following matters are within the exclusive jurisdiction of the French-language section of a board:

1. The planning and establishment of French-language instructional units, including the preparation and submission of capital expenditure forecasts in respect of such units to the board for submission to the Ministry.
2. The administration and the closing of French-language instructional units.
3. Admissions committees under subsection 258 (6a) and section 273.
4. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a French-language instructional unit.
5. The recruitment and assignment of teachers and administrative and supervisory personnel for French-language instructional units.
6. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in French-language instructional units.



(2) The following matters are outside the jurisdiction of the French-language section of a board and its members:

Excluded  
matters

1. The planning and establishment of schools that are not French-language instructional units, including the preparation and submission of capital expenditure forecasts to the board for submission to the Ministry in respect of such schools.
2. The administration and the closing of schools that are not French-language instructional units.
3. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a school or class that is not a French-language instructional unit.
4. The recruitment and assignment of teachers and administrative and supervisory personnel for schools and classes mentioned in paragraph 3.
5. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in a school or class that is not under Part XI.

(3) In respect of any matter not referred to in subsection (1) or (2), including the employment of the director of education, a member of the French-language section of a board has the same powers, duties, rights and responsibilities as a member of the board who is not a member of the French-language section.

Common  
jurisdiction

(4) The following rules apply with respect to quorums where a board has a French-language section:

Quorum

1. The presence of a majority of all the members constituting the board is necessary to form a quorum when dealing with a matter that is not a matter to which paragraph 2 or 3 applies.
2. The presence of a majority of all the members of a French-language section of a board is necessary to form a quorum when dealing with matters within the exclusive jurisdiction of the French-language section of the board.



3. The presence of a majority of all members of a board who are not members of the French-language section of the board is necessary to form a quorum when dealing with matters outside the jurisdiction of the French-language section of the board.
4. Where the board is a board of education and the board, other than the French-language section, is composed, in part, of members who are elected by separate school electors, for the purposes of paragraph 3, when dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board by the public school electors is necessary to form a quorum.
5. Subsection 184 (11) does not apply.

Change of  
jurisdiction

(5) If a majority of the members of the French-language section of a board and a majority of the other members of the board each resolve that a matter that is a centralized service, as defined in subsection 277n (6), shall be within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members, subsections (1) and (2) shall be deemed to be modified accordingly in respect of the board, and the secretary of the board shall transmit to the Minister notice of the change of jurisdiction.

Reversion of  
jurisdiction

(6) A resolution passed under subsection (5) shall cease to have effect at the end of the term of the members in office when the resolution was passed unless a majority of the members of the French-language section of the board and a majority of the other members of the board resolve that it shall cease to have effect at an earlier date.

Application

**277n.**—(1) This section applies to every board that has a French-language section under this Part.

Idem

(2) This section applies in respect of the year 1989 and every subsequent year.

Allocation  
of estimated  
revenues

(3) After the estimates of the board in respect of a year are approved or adopted, as the case requires, the board shall allocate the amounts of its estimated revenues for the year as follows:

1. Firstly, to the specific educational programs or specific schools or classes that generated a portion of the estimated revenues, in amounts equal to the amounts generated.

2. Secondly, to the centralized services of the board, in amounts equal to the amounts set out for the centralized services in the estimates.
3. Thirdly, to all the schools and classes operated by the board.

(4) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the schools and classes that are French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Schools  
and  
classes

(5) The board shall allocate the estimated revenues under paragraph 3 of subsection (3) to the balance of the schools and classes that are not French-language instructional units in the ratio that the average daily enrolment in those schools and classes is to the average daily enrolment of the board in all schools and classes mentioned in the paragraph.

Balance  
of schools  
and classes

(6) In this section, “centralized services” means,

Definition

- (a) salaries, benefits and professional development of employees but excluding employees whose recruitment and assignment is specified in this Part as either within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members;
- (b) normal maintenance of and operational services and equipment required for school sites;
- (c) school supplies other than instructional and learning materials;
- (d) transportation of pupils to and from school and from school to school;
- (e) allocation to reserve funds and the reserve for working funds;
- (f) establishment and maintenance of the head office of the board, including services operated therefrom;
- (g) permanent improvements other than the replacement for schools and classes of furniture, furnishings, library books and instructional equipment and apparatus; and

- (h) expenditures that are not within clauses (a) to (g) but that are approved from time to time by the board.

Duty of  
board

**277o.**—(1) Every board shall ensure that the matters that are within the exclusive jurisdiction and the matters that are outside the jurisdiction of the French-language section of the board are provided for when the board prepares and adopts its estimates and when the board allocates its estimated revenues.

Variation

(2) Subject to subsection (1), a board may vary an allocation in order to accommodate a change in circumstances or assumptions upon which the estimates of the board were made.

Annual  
filing by  
boards

**277p.**—(1) Every board shall file annually with the Ministry a report in the prescribed form in respect of the enrolment of resident pupils of the board in schools and classes operated as French-language instructional units and in respect of the enrolment of resident pupils of the board in schools and classes not operated as French-language instructional units.

Counting  
date

(2) Every board shall compile the data mentioned in subsection (1) as of the 30th day of September in each year, commencing as of the 30th day of September, 1986.

Calculations  
by Ministry

**277q.**—(1) The Ministry shall calculate the calculated enrolment of French-language resident pupils, the calculated enrolment of resident pupils other than French-language resident pupils and the total calculated enrolment of resident pupils of each board.

Idem

(2) From the enrolments calculated under subsection (1), the Ministry shall calculate the number of members to be elected to the French-language section of each board in the next regular election.

Additional  
factor in  
calculations

(3) In order to allow for statistical inaccuracies, the Ministry shall calculate a calculated enrolment of French-language resident pupils,

- (a) that is not less than 9.50 per cent and not more than 10 per cent of the calculated enrolment of resident pupils of a board as 10 per cent of the calculated enrolment of resident pupils of the board; and
- (b) that is not less than 285 and not more than 300 resident pupils of the board as 300 resident pupils of the board.

(4) For the purposes of the regular election in the year 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September, 1987.

Election  
in 1988

(5) For the purposes of a regular election held after 1988, the calculations under subsections (1) and (2) shall be based upon the enrolment of resident pupils of the board as of the 30th day of September in the year immediately preceding the year in which the regular election is held.

Regular  
elections

(6) Where members are to be elected to the French-language section of a board, the Minister, before the 1st day of July in the year in which the election is to be held,

Notice to  
boards and  
returning  
officers

- (a) shall notify the board and the Commission of the results of the calculations under subsections (1) and (2);
- (b) shall notify the proper returning officer of the number of members to be elected to the French-language section of the board;
- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice that the board qualifies under this Part to have a French-language section and of the number of members to be elected to the French-language section of the board.

(7) A board or the Commission or a committee may appeal the accuracy of the calculations under subsections (1) and (2) to the Minister by application made not later than the 15th day of July in the year in which the election is to be held.

Application  
to Minister

(8) The Minister shall appoint a person to hear and consider the matter and report to the Minister, and the Minister shall make such changes in the calculations as are recommended in the report.

Hearing and  
decision

(9) The Minister,

Further  
notice

- (a) shall notify the board of any changes in the results of the calculations;
- (b) shall notify the proper returning officer of any change in the number of members to be elected to the French-language section of the board;

- (c) shall notify the appropriate assessment commissioners; and
- (d) shall give public notice of any change in the qualification of the board to have a French-language section or in the number of members of the French-language section of the board,

consequent upon the report to the Minister.

Definitions

(10) In this section, "Commission" and "committee" have the same meanings as in section 274.

Liaison  
committee

**277r.**—(1) Any two or more committees established by boards under Part XI or French-language sections of boards, or any combination of such committees and French-language sections, may establish a liaison committee which shall be known as a regional committee for French-language education.

Function

(2) A regional committee for French-language education may consider and make recommendations to the French-language section of a board or to the committee established by a board under Part XI on any matter that affects French-language education.

Notice to  
Minister

**277s.**—(1) If before the 30th day of June in any year the French-language section becomes aware that on the first day of the following school year it will not be operating a French-language instructional unit and it will not be providing education for at least 285 resident pupils of the board or at least 9.50 per cent of the resident pupils of the board pursuant to an agreement as described in subsection 277d (2) or (3), the French-language section shall forthwith notify, in writing, the full board of such fact and the board shall forthwith notify, in writing, the Minister.

Dissolution

(2) Unless the notice to the Minister under subsection (1) is revoked, the French-language section of a board in respect of which a notice is required to be given to the Minister is dissolved on the 1st day of December next following the time at which the notice was required to be given and the members shall cease to hold office on that date.

Revocation  
of notice

(3) A board may revoke a notice given under subsection (1) at any time before the dissolution of the French-language section of the board if after the 1st day of September in the year in which the notice was given, the board has any French-language instructional units or it provides education to resi-

dent pupils as described in subsection (1) and the revocation shall be by notice, in writing, delivered to the Minister.

(4) Where a French-language section of a board is dissolved, at least ten French-speaking ratepayers, within the meaning of Part XI of the Act, shall be deemed to have applied to the board on the day of the dissolution for the establishment of a French-language advisory committee.

Deemed  
application

**277t.**—(1) There shall be an English-language section of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language section of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and,

English as  
language of  
instruction

- (a) the board operates an English-language instructional unit under Part XI;
- (b) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 300 resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards;
- (c) the board enters or has entered into an agreement or agreements with another board or boards to enable a calculated enrolment of at least 10 per cent of the resident pupils of the board to receive instruction in one or more English-language instructional units operated by the other board or boards.

(2) For the purposes of subsection (1),

Interpretation

- (a) a reference in this Part to French, other than in this subsection and subsection (3), shall be deemed to be a reference to English;
- (b) a reference in this Part, other than in subsection (3), to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part, other than in subsection (3), to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a



person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

French as majority

(3) Where a board has an English-language section, the other members of the board must have the qualifications to be elected as a member of a French-language section of a board as described in section 277g and an elector of such other members must have the qualifications to be an elector in respect of a French-language section of a board as described in section 277h.

Forms

**277u.**—(1) The Minister may prescribe the form of the report under subsection 277p (1) and require its use for the purposes of this Part.

Application of  
R.S.O. 1980,  
c. 446

(2) An act of the Minister under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

## PART XI-B

### INTERIM GOVERNANCE OF FRENCH-LANGUAGE INSTRUCTION

Definitions

**277v.** In this Part, “board”, “calculated enrolment”, “French-language”, in relation to a resident pupil, “French-language instructional unit”, “resident pupil” and “total calculated enrolment” have the same meanings as in Part XI-A.

French-language  
education  
council

**277w.**—(1) Every board that on the first school day in September, 1986, operates a French-language instructional unit shall have a French-language education council if the calculated enrolment of French-language resident pupils of the board is a minority of the total calculated enrolment of resident pupils of the board.

Authority of  
council

(2) The French-language education council of a board shall govern for the board the French-language instructional units of the board.

Number of  
members of  
French-  
language  
education  
council

**277x.**—(1) The number of members of the French-language education council of a board shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

1. The number of members of the French-language education council shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.



2. The French-language education council shall be composed of those members of the board who are eligible to be members of and who elect in writing to sit as members of the French-language education council.
3. All of the members of the board who are eligible to be and who elect in writing to sit as members of the French-language education council are entitled to do so even if the number of such members is greater than the number of members determined according to rule 1.
4. If the number of eligible members of the board who elect in writing to be members of the French-language education council is less than the number of members determined according to rule 1 or if there are no such eligible members, the additional membership or the membership, as the case may be, of the French-language education council shall be made up by members elected in accordance with subsection (6).
5. If the number of members of the French-language education council determined according to rule 1 is less than three, it shall be composed of three members or such greater number as have elected to be members under rule 2.
6. Where the number of members of the French-language education council determined according to rule 1 is less than three and the number of members who elect to be members under rule 2 is less than three, the total number of members of the board shall be increased by the difference between three members and the number of members who elect to be members under rule 2 and the additional members shall be members of the French-language education council and shall be elected in accordance with subsection (6).
7. The number of members of the French-language education council determined according to these rules shall be corrected to the nearest integer, the fraction one-half being raised to the next higher integer.

(2) If a board is required to have a French-language education council, every member of the board who has the right under subsection 23 (1) or (2), without regard to subsection

Qualified  
members of  
board

23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario is eligible to be a member of the French-language education council.

Qualifications for election

(3) A person is qualified to be elected as a member of the French-language education council if,

- (a) the person is eligible to be elected as a member of the board; and
- (b) the person has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

Calculations

(4) For the purpose of this Part, the calculated enrolment of French-language resident pupils of the board and the total calculated enrolment of resident pupils of the board are the numbers determined in accordance with subsections 277q (1) and (3), using data compiled as of the 30th day of September, 1985, as required by the Ministry before the coming into force of this section.

Idem

(5) From the enrolments calculated under subsection (4), the Ministry shall calculate the number of members of the French-language education council of each board.

Meeting to elect council members

(6) A board that is required to have a French-language education council shall, if necessary, make provision for a meeting of its French-speaking ratepayers, as defined in section 257a, for the purpose of electing by general vote members of the council who shall be members of the board.

Idem

(7) A board shall advertise in each of its schools and in the public media serving the local population, the place, date and time of a meeting under subsection (6) and take such additional action to publicize the meeting as it considers expedient and section 264 applies with necessary modifications to the election.

Time limit

(8) An election under rule 2 of subsection (1) must be delivered to the secretary of the board within fourteen days of the day this section comes into force.

Idem

(9) Where after the expiry of the fourteen-day period referred to in subsection (8), an election is required under sub-

section (6), the election shall be held within thirty days of the coming into force of this section.

(10) Where following an election under subsection (6), there are fewer than three members on the French-language education council of a board, the Minister, by order, shall appoint such number of qualified persons as members of the council as are necessary to provide for three members on the council.

Appoint-  
ments to  
council by  
Minister

(11) If a board is required to have a French-language education council and the board has a French-language advisory committee under Part XI, the French-language advisory committee is dissolved on the day the council is constituted.

Dissolution  
of advisory  
committee

**277y.**—(1) A French-language education council shall be deemed to be constituted on the 1st day of December, 1986 and it shall hold its first meeting not later than the 7th day of December, 1986.

When council  
constituted

(2) Section 183 and subsections 265 (1), (3) and (4) apply with necessary modifications to a French-language education council.

Open  
meetings,  
etc.

(3) If the office of a member of the French-language education council becomes vacant and the remaining members of the council constitute a majority of the council's members, the remaining members shall, at the first regular council meeting after the vacancy occurs, appoint to the office a person who is eligible to be a council member.

Vacancies in  
council

(4) If the office of a member of the French-language education council becomes vacant and the remaining members of the council do not constitute a majority of the council's members, a new election shall be held under subsection 277x (6) to fill the vacancy or vacancies.

Idem

**277z.**—(1) Sections 277m, 277o, 277r and 277s apply with necessary modifications where a board has a French-language education council as if a reference therein to a French-language section were a reference to a French-language education council.

Miscellaneous

(2) Notwithstanding subsection 277s (2), a person who elected under rule 2 of subsection 277x (1) to be a member of a French-language education council of a board shall remain as a member of the board if the council is dissolved before the 1st day of December, 1988.

Idem

Estimates,  
etc.

(3) Notwithstanding subsection 277n (2), section 277n applies to a board that has a French-language education council in respect of the years 1987 and 1988.

English as  
language of  
instruction

**277za.**—(1) There shall be an English-language education council of a board and this Part shall apply with necessary modifications in respect of the board and in respect of the English-language education council of the board if the calculated enrolment of English-language resident pupils of the board is a minority of the total calculated enrolment of the resident pupils of the board and the board operates an English-language instructional unit under Part XI.

Interpretation

(2) For the purposes of subsection (1),

- (a) a reference in this Part to French, other than in this subsection, shall be deemed to be a reference to English;
- (b) a reference in this Part to French language shall be deemed to be a reference to English language; and
- (c) a reference in this Part to a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a person who does not have that right and to be a reference to a person who has but elects not to exercise that right.

**12.**—(1) Section 19 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (f) who is a separate school elector or a public school elector, that the elector has chosen to vote to elect members of the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*.

R.S.O. 1980,  
c. 129

(2) Subsection 49 (1) of the said Act is amended by adding thereto the following paragraph:

- 6a. Where the election is to the French-language section, or the English-language section, of a board under Part XI-A of the *Education Act*, an elector is entitled to as many votes as there are members of the French-language section or the English-language

R.S.O. 1980,  
c. 129

section, as the case may be, of the board but may not give more than one vote to any one candidate.

**13.**—(1) Subsection 116 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 9, section 1 and 1984, chapter 18, section 9, is further amended by relettering clause (ba) as clause (bb), by relettering clauses (bb) and (bc) as clauses (bd) and (be) respectively and by adding thereto the following clauses:

(ba) “Council” means the council established by section 120b;

(bc) “French-speaking ratepayer” means a person who is entitled to vote at an election of members of a board of education and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

(2) The said Act is amended by adding thereto the following sections:

**120a.**—(1) Within two months after the date this section comes into force, the boards of education that have a French-language advisory committee under Part XI of the *Education Act* shall establish by resolution a new French-language advisory committee in accordance with the *Education Act* and when the new committee takes office the previous committee is dissolved.

New French-language advisory committees  
R.S.O. 1980, c. 129  
R.S.O. 1980, cc. 196, 197, 280, 93, 400

(2) Subsection (1) applies notwithstanding that the board of education operates a French-language instructional unit.

Idem

(3) For the purposes of subsection (1), at least ten French-speaking ratepayers shall be deemed to have applied to the board of education for the establishment of the new French-language advisory committee.

Deemed application

(4) This section is repealed on the 1st day of December, 1988.

Repeal

**120b.**—(1) There is established on the 1st day of December, 1988, a council to be known in French as “Le conseil des écoles françaises de la communauté urbaine de Toronto” and

Council established

in English as "The Metropolitan Toronto French-Language School Council".

Duty of  
Council

R.S.O. 1980,  
c. 129

(2) Subject to section 120f, beginning on the 1st day of January, 1989, the Council shall operate all French-language instructional units under Part XI of the *Education Act* in the Metropolitan Area other than those operated by the Metropolitan Separate School Board.

Body  
corporate,  
composition

(3) The Council is a body corporate and shall be composed of nine members.

Designation

(4) The Council may be legally designated by either or both versions of its name.

Election of  
members

(5) Beginning with the regular election in 1988, the members of the Council shall be elected at the same time and for the same term of office as the boards of education and, subject to this Part, shall be elected in the same manner as members of a board of education.

Electoral  
areas

(6) For the purpose of electing members to the Council, the Metropolitan Area is divided into the four electoral areas named in column 1 of the following table and each electoral area shall be represented on the Council by the number of members set out opposite thereto in column 2:

Table

Column 1	Column 2
Electoral Area	Number of members
1. the City of Toronto	3
2. the City of North York	3
3. the City of Scarborough and the Borough of East York	2
4. the Cities of Etobicoke and York	1

Idem

(7) The members of the Council to be elected in an electoral area shall be elected by general vote in the electoral area.

Qualification  
of members  
of Council

(8) A person is qualified to be elected as a member of the Council if,

- (a) the person is qualified to be elected as a member of the board of education for the area municipality in which the person resides;
- (b) the person is a French-speaking ratepayer; and



- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(9) A person is qualified to be an elector in respect of a Electors  
member of the Council if,

- (a) the person is qualified to vote in a regular election of members of the board of education for the area municipality in which the person resides;
- (b) the person is a French-speaking ratepayer; and
- (c) the person chooses to vote only for members of the Council and not for a member of the board of education for the area municipality in which the person resides.

(10) No person is entitled to vote in a regular election for Idem  
both members of the Council and members of the board of education for the area municipality in which the person resides.

(11) The election of members of the Council for an electoral area shall be conducted by the same officers and in the same manner as elections of members of the boards of education in the same electoral area except that in the case of an election in the electoral area of the City of Scarborough and the Borough of East York and the electoral area of the Cities of Etobicoke and York, Election officers

- (a) the nominations in each case shall be submitted to the returning officer of the area municipality in the electoral area having the greatest equalized residential and farm assessment for public school purposes, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each area municipality shall be the returning officer for the vote to be recorded in the clerk's area municipality and the clerk shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the result of the vote.



## Definition

(12) For the purposes of subsection (11), "equalized residential and farm assessment" shall have the same meaning as in clause 59 (1) (a) of the *Education Act*.

R.S.O. 1980,  
c. 129

Deemed  
board of  
education

**120c.**—(1) Except as provided in this Part, the Council, for the purposes of every Act, shall be deemed to be a board of education in the Metropolitan Area.

Allowances  
for members

(2) The Council may set and pay allowances to its members for the term of office that expires the 1st day of December, 1991 despite subsection 167 (1a) of the *Education Act*.

Assumption  
of existing  
programs

**120d.**—(1) The Council shall assume, on the 1st day of January, 1989, the operation of all schools and classes established before that day by the boards of education under Part XI of the *Education Act* in which French is the language of instruction.

R.S.O. 1980,  
c. 129

Possession of  
facilities

(2) Subject to subsection (3), possession of the facilities used in relation to schools and classes described in subsection (1) vests in the Council on the 1st day of January, 1989 at such rent as the board of education concerned and the Council may agree and the board of education concerned and the Council shall agree upon the allocation and disposition, without compensation, of all other property situate upon or used in connection with the facilities.

Ownership of  
school sites

(3) Where possession of all of the lands and premises used as a school site vests in the Council under subsection (2), the ownership of the lands and premises vests in the Council at the same time, without compensation, but subject to all existing debts, contracts, agreements and liabilities of the board of education that pertain to such school site.

## Dispute

(4) Any dispute as to possession of any facilities or the allocation or disposition of property under subsection (2) or the transfer of ownership under subsection (3) may be referred by the Council and the board of education, or either of them, to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Transfer of  
employees

(5) On the 1st day of January, 1989, the employment contract of every employee of a board of education who was employed immediately before the coming into force of this section in a school or class established under Part XI of the *Education Act* is vested in and becomes an obligation of the Council.

R.S.O. 1980,  
c. 129

**120e.** Beginning on the 1st day of January, 1989, no board of education shall operate a school or class under Part XI of the *Education Act*. Prohibition

R.S.O. 1980,  
c. 129

**120f.** Notwithstanding subsection 120b (2), the School Board shall continue to operate schools and classes for trainable retarded pupils in the Metropolitan Area in which French is the language of instruction and the Council shall not operate such schools or classes. Exception

**120g.** A person who is qualified to be a resident pupil in respect of a board of education in the Metropolitan Area and exercises his or her right under subsection 258 (2) or 261 (1) of the *Education Act* is also qualified to be a resident pupil of the Council. Resident  
pupils of  
Council

**120h.** Subsections 127 (4) to (6b), section 130j, clause 133 (1) (e) and subsections 133 (4) to (6) do not apply in respect of the Council. Non-  
application

**120i.** In December, 1988 and in 1989, the Council may borrow from the School Board, notwithstanding that the estimates have not been approved by the School Board. Interim  
financing,  
1988, 1989

(3) Subsection 121 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is further amended by inserting after "Area" in the third line "and the chairman of the Council".

(4) Subsection 121 (3) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3 and 1984, chapter 18, section 11, is repealed and the following substituted therefor:

(3) The Board of Education for the Borough of East York, The Board of Education for the City of Etobicoke, The Board of Education for the City of York and the Council may each appoint one of its members as an alternate member of the School Board, and such alternate member may attend the meetings of the School Board and of its committees, but shall not vote in the meetings of the School Board or of its committees except in the absence of the chairman of the board of education or of the Council, as the case may be, to which such member belongs or of the member appointed in place of the chairman under subsection (6). Alternate  
members

**14.** Part XI-B, as enacted by section 11 of this Act, is repealed on the 1st day of December, 1988. Repeal

Commence-  
ment

**15.**—(1) This Act, except subsections 13 (3) and (4), comes into force on the 1st day of October, 1986.

Idem

(2) Subsections 13 (3) and (4) come into force on the 1st day of December, 1988.

Short title

**16.** The short title of this Act is the *Education Amendment Act, 1986* (No. 2).

## CHAPTER 30

### An Act to revise the Representation Act

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The boundaries of every territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward in any municipality shall for the purpose of this Act be deemed to be the boundaries of such territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward as defined by statute, by-law, proclamation or other lawful authority on the 6th day of January, 1986. Boundaries
  
2. The Legislative Assembly of Ontario shall consist of one hundred and thirty members. Number of members
  
- 3.—(1) Ontario shall, for the purpose of representation in the Assembly, be divided into electoral districts as set out in the Schedule. Division of Ontario into electoral districts
  
- (2) One member shall be returned to the Assembly for each electoral district. One member per electoral district
  
4. The boundaries of the electoral districts as set out in the Schedule shall not be affected by alterations in municipal or ward boundaries made after the 6th day of January, 1986. Changes in municipal or ward boundaries
  
5. Where a county, city, town, village, township, improvement district, borough, district municipality or regional municipality becomes incorporated and is not expressly included in an electoral district set out in the Schedule but is situated in part in two or more of such electoral districts, the electors entitled to vote in such municipality are entitled to vote in the electoral district in which they would have been entitled to vote if the county, city, town, village, township, improvement district, borough, district municipality or regional municipality had not become incorporated. Municipalities on boundary lines

Augmen-  
tation  
or gores of  
townships

**6.** Except as otherwise expressly set out in the Schedule, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situated.

Municipalities  
included in  
electoral  
district in  
which situate

**7.** Every county, city, town, village, township, improvement district, borough, district municipality and regional municipality heretofore or hereafter incorporated, situate wholly within an electoral district as set out in the Schedule and not expressly included in any other electoral district in the Schedule, shall form part of the electoral district in which it is situate.

Special Act  
overruled

**8.** Every county, city, town, village, township, improvement district, borough, district municipality or regional municipality that by the provisions of any special Act passed before this Act comes into force forms or forms part of an electoral district shall, notwithstanding such provisions, form or form part of the electoral district or districts in which it is included in the Schedule.

Repeal

**9.** The *Representation Act*, being chapter 450 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**10.**—(1) This Act comes into force and has effect upon the first dissolution of the Legislature that occurs after the 31st day of August, 1986.

Idem  
1984, c. 54  
1986, c. 33

(2) Notwithstanding subsection (1), for the purposes only of the appointment of returning officers under the *Election Act, 1984* and the registration of constituency associations under the *Election Finances Act, 1986*, and matters ancillary thereto, to be in effect for the purposes of an election held after the dissolution of the Legislature specified in subsection (1), the electoral districts set out in the Schedule shall be deemed to be established on the day this Act receives Royal Assent.

Short title

**11.** The short title of this Act is the *Representation Act, 1986*.

## SCHEDULE

In the following descriptions,

- (a) a reference to a road, water feature or railway line signifies the centre line of the road, water feature or railway line, unless otherwise provided;
- (b) a reference to a territorial division or a municipality refers to the territorial division or municipality as it existed on the 6th day of January, 1986; and
- (c) every city, town, village, township, improvement district, development area and Indian reserve lying within the perimeter of an electoral district is included in the electoral district unless otherwise provided.

## ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA—consists of that part of the Territorial District of Algoma, but excluding the geographic townships of Ebbs and Templeton, lying northerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Redden; thence westerly along the south boundary of the geographic townships of Redden, Prescott, Plourde, Piche, Viel and Sagard to the northeast corner of the geographic Township of Nicholas; thence southerly along the east boundary of the geographic Township of Nicholas to the northwest corner of the Town of Elliot Lake; thence southerly along the west limit of the Town of Elliot Lake to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of that township to the southerly boundary of the Territorial District of Algoma; thence westerly along that boundary to the easterly limit of the City of Sault Ste. Marie; thence northerly along the easterly boundary of the City of Sault Ste. Marie to the northeast corner thereof; thence westerly along the north boundary of that city to the northwest corner thereof; thence southerly along the east boundary of the Township of Prince to the southeast corner thereof; thence westerly along the south boundary of the Township of Prince to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—consists of the Territorial District of Manitoulin and that part of the territorial districts of Algoma and Sudbury lying within the following limits: Commencing at the intersection of the southerly boundary of the Territorial District of Sudbury with the east boundary of the geographic Township of Curtin; thence northerly along the east boundary of the geographic townships of Curtin and Foster to the northeast corner of the last mentioned township; thence westerly along the north boundary of the geographic townships of Foster and Merritt to the northeast corner of the Town of Espanola; thence westerly along the north boundary of the said town to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Merritt to the southeast corner of the geographic Township of Shakespeare; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the southeast corner of the geographic Township of Tennyson; thence northerly along the east boundary of the geographic townships of Tennyson, Boon, Mandamin and Strain to the northeast corner of the last mentioned township; thence southerly along the north boundary of the geographic townships of Strain, Teasdale, Poncet, Hughson, Hembruff and Raimbault to the northwest corner of the last mentioned township; thence southerly along the west boundary of the said township to the northwest corner of the Town of Elliott Lake; thence southerly along the west limit of the said town to the northwest corner of the Township of The North Shore; thence southerly along the west boundary of the said township to the southerly boundary of the Territorial District of Algoma; thence easterly along the southerly boundary of the territorial districts of Algoma and Sudbury to the point of commencement.



THE ELECTORAL DISTRICT OF BEACHES-WOODBINE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Queen Street East with Greenwood Avenue; thence northerly along Greenwood Avenue to the Canadian National railway line; thence northeasterly along the said railway line to Coxwell Avenue; thence northerly along Coxwell Avenue to the northerly limit of the City of Toronto; thence easterly along the said limit to the easterly limit of the said city; thence southerly along the said limit to the southeasterly corner of the City of Toronto; thence westerly along the southerly limit of the said city to the southerly prolongation of Leslie Street; thence northerly along the said prolongation to and along Leslie Street to Queen Street East; thence easterly along Queen Street East to the point of commencement.

THE ELECTORAL DISTRICT OF BRAMPTON NORTH—consists of that part of the City of Brampton lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRAMPTON SOUTH—consists of that part of the City of Brampton lying southerly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Brampton with the King's Highway No. 7; thence westerly along the said Highway to Queen Street East; thence westerly along Queen Street East to Kennedy Road; thence northerly along Kennedy Road to Vodden Street; thence westerly along Vodden Street to Main Street; thence northerly along Main Street and the King's Highway No. 10 to the King's Highway No. 7; thence westerly along said Highway to the westerly limit of the City of Brampton.

THE ELECTORAL DISTRICT OF BRANTFORD—consists of the City of Brantford.

THE ELECTORAL DISTRICT OF BRANT-HALDIMAND—consists of the County of Brant but excluding the City of Brantford; the towns of Dunnville and Haldimand, Indian reserves No. 40 and No. 40A, and the Township of North Dumfries but excluding that part lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF BRUCE—consists of the County of Bruce.

THE ELECTORAL DISTRICT OF BURLINGTON SOUTH—consists of that part of the City of Burlington lying southerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; thence southeasterly along the said limit to New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF CAMBRIDGE—consists of the City of Cambridge and of that part of the Township of North Dumfries lying within the geographic Township of Beverly.

THE ELECTORAL DISTRICT OF CARLETON—consists of the City of Kanata and the townships of Goulbourn, Osgoode, Rideau and West Carleton.



THE ELECTORAL DISTRICT OF CARLETON EAST—consists of the Village of Rockcliffe Park and of that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park; thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north  $45^{\circ} 00'$  west to the Interprovincial Boundary between Ontario and Quebec; thence easterly along the said Interprovincial Boundary to the northeasterly corner of the City of Gloucester; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of Gloucester to the northwesterly corner of the said city; thence easterly along the northerly limit of the City of Gloucester to the westerly limit of the Ottawa International Airport; thence southerly along the said limit to Leitrim Drive; thence easterly along Leitrim Drive to Albion Road; thence northerly along Albion Road to Leitrim Road; thence easterly along Leitrim Road to the King's Highway No. 31; thence northerly along said Highway to Conroy Road; thence northerly along Conroy Road to the southerly limit of the City of Ottawa; thence easterly and northerly along the southerly and easterly limits of the City of Ottawa to the point of commencement.

THE ELECTORAL DISTRICT OF CHATHAM-KENT—consists of the City of Chatham, the towns of Bothwell, Dresden and Wallaceburg and the townships of Camden, Chatham, Dover and Zone.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—consists of the geographic townships of Ebbs and Templeton; that part of the Territorial District of Cochrane lying northerly and westerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teefy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid; and that part of the Territorial District of Kenora lying easterly of a line described as follows: Commencing at the northerly extremity of the boundary between the territorial districts of Cochrane and Thunder Bay; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—consists of that part of the Territorial District of Cochrane lying southerly and easterly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the water's edge along the southerly shore of Lake Abitibi; thence northwesterly along that water's edge to the south

boundary of the geographic Township of Galna; thence westerly along the south boundary of the geographic townships of Galna and Moody to the north limit of the Town of Iroquois Falls; thence westerly along the said limit to the northeast corner of the geographic Township of Teefy; thence westerly along the north boundary of the said township to the northwest corner thereof; thence westerly along the north limit of the Town of Iroquois Falls to the northwest corner thereof; thence southerly along the west limit of the said town to the north limit of the City of Timmins; thence westerly along the north limit of the said city to the northwest corner thereof; thence westerly along the north boundary of the geographic Township of Byers to the northwest corner thereof; thence southerly along the west boundary of the geographic townships of Byers, Cote and Massey to the south boundary of the geographic Township of Enid.

THE ELECTORAL DISTRICT OF CORNWALL—consists of the City of Cornwall, the townships of Charlottenburgh and Cornwall, and Indian Reserve No. 59.

THE ELECTORAL DISTRICT OF DON MILLS—consists of that part of the City of North York and of the Borough of East York lying within the following limits: Commencing at the intersection of Lawrence Avenue East with the easterly limit of the City of North York; thence southerly along the easterly limit of the City of North York and of the Borough of East York to the southerly limit of the said borough; thence westerly along the said southerly limit to Chisholm Avenue; thence northerly along Chisholm Avenue and its northerly prolongation to Taylor Creek; thence northwesterly along Taylor Creek to the Don River; thence westerly along the Don River to Don Mills Road; thence northerly along Don Mills Road to the southerly limit of the City of North York; thence northwesterly, westerly and northerly along the said limit to the easterly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence easterly on the easterly prolongation of the said course to the Don River West Branch; thence southeasterly along the Don River West Branch to the westerly prolongation of Lawrence Avenue East; thence easterly along the said prolongation to and along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF DOVERCOURT—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southerly limit of the City of York with Bathurst Street; thence southerly along Bathurst Street to Bloor Street West; thence westerly along Bloor Street West to the Canadian National railway line situated immediately west of Helens Avenue; thence northerly along the said railway line to St. Clair Avenue West; thence westerly along St. Clair Avenue West to the Canadian National railway line situated immediately northeast of Weston Road; thence northwesterly along the said railway line to the northerly limit of the City of Toronto; thence easterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DOWNSVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence easterly along the said limit to Dufferin Street; thence southerly along Dufferin Street to Allen Road; thence southerly along Allen Road to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.

THE ELECTORAL DISTRICT OF DUFFERIN-PEEL—consists of the County of Dufferin and the Town of Caledon.

THE ELECTORAL DISTRICT OF DURHAM CENTRE—consists of that part of the Town of Whitby lying southerly of Taunton Road and that part of the City of Oshawa lying within the following limits: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence westerly along Taunton Road to the westerly limit of the City of Oshawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DURHAM EAST—consists of that part of the City of Oshawa lying northerly of Taunton Road, that part of the Town of Whitby lying northerly of Taunton Road, the Town of Newcastle, the townships of Manvers and Scugog and Indian Reserve No. 34.

THE ELECTORAL DISTRICT OF DURHAM WEST—consists of the towns of Ajax and Pickering.

THE ELECTORAL DISTRICT OF DURHAM-YORK—consists of the towns of East Gwillimbury and Whitchurch-Stouffville, the townships of Brock, Georgina and Uxbridge, and Indian Reserve No. 33.

THE ELECTORAL DISTRICT OF EGLINTON—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Latimer Avenue; thence northerly along Latimer Avenue to Roselawn Avenue; thence easterly along Roselawn Avenue to Castlewood Road; thence northerly along Castlewood Road to Briar Hill Avenue; thence westerly along Briar Hill Avenue to the southerly prolongation of the course in the northerly limit of the City of Toronto oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence northerly along the said prolongation to the northerly limit of the City of Toronto; thence northerly, easterly and southerly along the said limit to the westerly limit of the Borough of East York; thence southerly along the said limit to the southerly limit of Mount Pleasant Cemetery; thence westerly along the said limit to Yonge Street; thence northerly along Yonge Street to the abandoned Canadian National railway line situated immediately south of Merton Street; thence northwesterly along the said railway line to the southerly prolongation of Duncannon Drive; thence northerly along the said prolongation to and along Duncannon Drive to Eglinton Avenue West; thence westerly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ELGIN—consists of the County of Elgin.

THE ELECTORAL DISTRICT OF ESSEX-KENT—consists of the towns of Belle River, Blenheim, Ridgetown and Tilbury, the villages of Erie Beach, Erieau, Highgate, Thamesville and Wheatley, and the townships of Harwich, Howard, Maidstone, Orford, Raleigh, Rochester, Romney, Sandwich South, Tilbury East, Tilbury North and Tilbury West.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—consists of the towns of Amherstburg, Essex, Harrow, Kingsville and Leamington, and the townships of Anderdon, Colchester North, Colchester South, Gosfield North, Gosfield South, Malden, Mersea and Pelee.

THE ELECTORAL DISTRICT OF ETOBICOKE-HUMBER—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of Bloor Street West with Kipling Avenue; thence northerly along Kipling Avenue to The Westway; thence westerly along The Westway to Martin Grove Road; thence northerly along Martin Grove Road to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Etobicoke; thence southeasterly along the said limit to Bloor Street West; thence westerly along Bloor Street West to the point of commencement.

THE ELECTORAL DISTRICT OF ETOBICOKE-LAKESHORE—consists of that part of the City of Etobicoke lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Etobicoke with the Canadian Pacific railway line; thence northeasterly along the said railway line to Kipling Avenue; thence northerly along Kipling Avenue to Bloor Street West; thence easterly along Bloor Street West to the easterly limit of the City of Etobicoke.

THE ELECTORAL DISTRICT OF ETOBICOKE-REXDALE—consists of that part of the City of Etobicoke lying northerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF ETOBICOKE WEST—consists of that part of the City of Etobicoke lying within the following limits: Commencing at the intersection of the Canadian Pacific railway line with the westerly limit of the City of Etobicoke; thence northerly along the said limit to the Macdonald-Cartier Freeway; thence northeasterly along the Macdonald-Cartier Freeway to Martin Grove Road; thence southerly along Martin Grove Road to The Westway; thence easterly along The Westway to Kipling Avenue; thence southerly along Kipling Avenue to the Canadian Pacific railway line; thence southwesterly along the said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF FORT WILLIAM—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn on a course of south astronomic from the southwest corner of the geographic Township of Devon; thence north astronomically along the said line to the southwest corner of the said township; thence northerly along the west boundary of the geographic townships of Devon, Fraleigh, Lybster and Marks to the northwest corner of the last mentioned township; thence easterly along the north boundary of the geographic Township of Marks to the northwest corner of the Township of O'Connor; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the Township of O'Connor to the northwest corner of the Township of Pappooing; thence easterly along the north boundary of the said township to the northeast corner thereof; thence easterly along the north boundary of the former Township of Neebing and of the former City of Fort William, both as existing prior to January 1, 1970, to the Lakehead Expressway; thence northerly along the Lakehead Expressway to the Harbour Access Route; thence easterly along the Harbour Access Route to Golf Links Road; thence southerly along Golf Links Road to the north limit of the former City of Fort William, as existing prior to January 1, 1970; thence easterly along the said limit and its easterly prolongation to the line of longitude  $89^{\circ} 00'$ ; thence south astronomically along the said line of longitude to the International Boundary between Canada and the United States of America; thence southwesterly and westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF FORT YORK—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Ossington Avenue with Bloor Street West; thence easterly along Bloor Street West to Bathurst Street; thence southerly along Bathurst Street to College Street; thence easterly along College Street to Carlton Street; thence easterly along Carlton Street to Sherbourne Street; thence southerly along Sherbourne Street and its southerly prolongation to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence southerly along the said prolongation to and along the said centre line to the southerly extremity thereof; thence southerly along the prolongation of the said centre line to the southerly limit of the City of Toronto; thence westerly and northwesterly along the southerly and southwesterly limits of the said city to the



southerly prolongation of Strachan Avenue; thence northerly along the said prolongation to and along Strachan Avenue to the Gardiner Expressway; thence westerly along the Gardiner Expressway to the southerly prolongation of Atlantic Avenue; thence northerly along the said prolongation to and along Atlantic Avenue to King Street West; thence easterly along King Street West to the southerly prolongation of Dovercourt Road; thence northerly along the said prolongation to and along Dovercourt Road to College Street; thence easterly along College Street to Ossington Avenue; thence northerly along Ossington Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—consists of that part of the County of Frontenac lying northerly of a line described as follows: Commencing at the intersection of the easterly limit of the Township of Pittsburgh with the Macdonald-Cartier Freeway; thence southwesterly along the Macdonald-Cartier Freeway to the northerly limit of the City of Kingston; thence westerly and southerly along the northerly and westerly limits of the City of Kingston to the shore of Lake Ontario; thence westerly along the said shore to the westerly boundary of the Township of Kingston; and that part of the County of Lennox and Addington lying northerly of a line described as follows: Commencing at the southeasterly corner of the Township of Camden East; thence westerly along the southerly boundary of the Township of Camden East to the southeasterly corner of the Village of Newburgh; thence westerly along the southerly limit of the said village to the southerly boundary of the Township of Camden East; thence westerly along the southerly limit of the said township to the southwest corner thereof; thence northerly along the westerly boundary of the said township to the northeasterly corner of the Township of Richmond.

THE ELECTORAL DISTRICT OF GREY—consists of the County of Grey.

THE ELECTORAL DISTRICT OF GUELPH—consists of the City of Guelph.

THE ELECTORAL DISTRICT OF HALTON CENTRE—consists of that part of the City of Burlington lying northerly and westerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Burlington with the King's Highway No. 403; thence northeasterly along said Highway to the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to the northeasterly limit of the City of Burlington; and that part of the Town of Milton lying southerly of Derry Road; and that part of the Town of Oakville lying northerly of the Queen Elizabeth Way.

THE ELECTORAL DISTRICT OF HALTON NORTH—consists of the Town of Halton Hills and that part of the Town of Milton lying northerly of Derry Road.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Queen Street with King Street; thence westerly along King Street to Chedoke Expressway; thence northerly along Chedoke Expressway to the Desjardins Canal; thence westerly along said canal to the westerly limit of the City of Hamilton; thence northerly and easterly along the westerly and northerly limits of the said city to the northerly prolongation of Sherman Avenue; thence southerly along the said prolongation to and along Sherman Avenue to Cannon Street; thence easterly along Cannon Street to Gage Avenue; thence southerly along Gage Avenue and its southerly prolongation to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Queen Street; thence northerly along the said prolongation to and along Queen Street to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON EAST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with Queenston Road; thence westerly

along Queenston Road to Redhill Creek; thence southerly along Redhill Creek to the brow of Hamilton Mountain; thence westerly along the said brow to the southerly prolongation of Gage Avenue; thence northerly along the said prolongation to and along Gage Avenue to Cannon Street; thence westerly along Cannon Street to Sherman Avenue; thence northerly along Sherman Avenue and its northerly prolongation to the northerly limit of the City of Hamilton; thence easterly along the northerly limit of the said city to the northeasterly corner thereof; thence southerly along the easterly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON MOUNTAIN—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the southerly limit of the City of Hamilton with Upper James Street; thence northerly along Upper James Street to Fennell Avenue; thence easterly along Fennell Avenue to Upper Wellington Street; thence northerly along Upper Wellington Street and its northerly prolongation as aligned between Inverness Avenue and Concession Avenue to the brow of Hamilton Mountain; thence easterly along the said brow to the easterly limit of the City of Hamilton; thence southerly and westerly along the easterly and southerly limits of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON WEST—consists of that part of the City of Hamilton lying within the following limits: Commencing at the intersection of Upper James Street with the southerly limit of the City of Hamilton; thence westerly and northerly along the southerly and westerly limits of the said city to the Desjardins Canal; thence easterly along the said canal to the Chedoke Expressway; thence southerly along the Chedoke Expressway to King Street; thence easterly along King Street to Queen Street; thence southerly along Queen Street and its southerly prolongation to the brow of Hamilton Mountain; thence easterly along the said brow to the northerly prolongation of Upper Wellington Street as aligned between Inverness Avenue and Concession Avenue; thence southerly along the said prolongation to and along Upper Wellington Street to Fennell Avenue; thence westerly along Fennell Avenue to Upper James Street; thence southerly along Upper James Street to the point of commencement.

THE ELECTORAL DISTRICT OF HASTINGS-PETERBOROUGH—consists of that part of the County of Hastings lying northerly of a line described as follows: Commencing at the southwesterly corner of the Township of Rawdon; thence easterly along the southerly boundary of the said township to the westerly limit of the Village of Stirling; thence southerly, easterly and northerly along the westerly, southerly and easterly limits of the said village to the southerly boundary of the Township of Rawdon; thence easterly along the said boundary to the southwesterly corner of the Township of Huntingdon; thence easterly along the southerly boundary of the said township to the southwesterly corner of the Township of Hungerford; thence easterly along the southerly boundary of the said township to the southeasterly corner thereof; and the villages of Havelock, Lakefield and Norwood, and the townships of Asphodel, Belmont and Methuen, Burleigh and Anstruther, Chandos, Douro, Dummer, Galway and Cavendish, Harvey, and Otonabee.

THE ELECTORAL DISTRICT OF HIGH PARK-SWANSEA—consists of that part of the City of Toronto lying westerly of a line described as follows: Commencing at the intersection of the northerly limit of the City of Toronto with the Canadian National railway line situated immediately northeast of Weston Road; thence southeasterly along the said railway line to St. Clair Avenue West; thence easterly along St. Clair Avenue West to the Canadian National railway line situated immediately west of Caledonia Park Road; thence southerly along the said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to

Roncesvalles Avenue; thence southerly along Roncesvalles Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto.

THE ELECTORAL DISTRICT OF HURON—consists of the County of Huron.

THE ELECTORAL DISTRICT OF KENORA—consists of that part of the Territorial District of Kenora lying northerly and westerly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the southwest corner of the geographic Township of Wainwright; thence easterly along the south boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east limits of the said township to the south boundary of the geographic Township of Brownridge; thence easterly along the south boundary of the geographic townships of Brownridge, Laval and McAree to the southeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay; thence northerly along the said boundary to the northwesterly corner of the Territorial District of Thunder Bay; thence continuing northerly along a meridian line to the 215 + 78.207 Mile Post planted thereon by A. Tarvydas, O.L.S., in 1957; thence north astronomically to the Interprovincial Boundary between Ontario and Manitoba.

THE ELECTORAL DISTRICT OF KINGSTON AND THE ISLANDS—consists of the City of Kingston, the townships of Amherst Island, Howe Island, and Wolfe Island, and that part of the Township of Pittsburgh lying southerly of the Macdonald-Cartier Freeway.

THE ELECTORAL DISTRICT OF KITCHENER—consists of that part of the City of Kitchener lying northerly and westerly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF KITCHENER-WILMOT—consists of the Township of Wilmot and that part of the City of Kitchener lying southerly and easterly of the Conestoga Parkway.

THE ELECTORAL DISTRICT OF LAKE NIPIGON—consists of the community of English River in the Territorial District of Kenora and that part of the territorial districts of Kenora and Thunder Bay lying within the following limits: Commencing at the 215 + 78.207 Mile Post planted on a meridian line in the Territorial District of Kenora surveyed by A. Tarvydas, O.L.S., in 1957; thence southerly along that meridian line to the northerly extremity of the west boundary of the Territorial District of Thunder Bay; thence southerly along the said boundary to the International Boundary between Canada and the United States of America; thence easterly along the said International Boundary to the intersection with a line drawn south astronomic from the southeast corner of the geographic Township of Hartington; thence north astronomically along that line to the southeast corner of the geographic Township of Hartington; thence northerly along the east boundary of the geographic townships of Hartington, Lismore, Strange, Aldina, Sackville, Laurie and Blackwell to the northeast corner of the last mentioned township; thence easterly along the south boundary of the geographic Township of Soper and of Block 1 to the southeast corner of Block 1; thence northerly along the east boundary of



Block 1 to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the said township to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along that centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence northeasterly and southeasterly along the said International Boundary to the southeast corner of the Territorial District of Thunder Bay; thence northerly, westerly and northerly along the east boundary of the Territorial District of Thunder Bay to the northeast corner thereof; thence northerly along a meridian line to the 212 Mile Post planted thereon by A. Tarydas, O.L.S., in 1958; thence north astronomically to the shore of Hudson Bay; thence northwesterly along the said shore to the Interprovincial Boundary between Ontario and Manitoba; thence southwesterly along the said Interprovincial Boundary to the intersection with a line drawn north astronomic from the point of commencement; thence south astronomically along the said line to the point of commencement.

THE ELECTORAL DISTRICT OF LAMBTON—consists of that part of the County of Lambton lying southerly and easterly of a line described as follows: Commencing at the southwesterly corner of Indian Reserve No. 45; thence easterly along the southerly boundary of Indian Reserve No. 45 to the southeasterly corner thereof; thence northerly along the easterly limit of Indian Reserve No. 45 to the easterly limit of the City of Sarnia; thence northerly along the said limit to Confederation Street; thence easterly along Confederation Street to Modeland Road; thence northerly along Modeland Road and its northerly prolongation to the northerly boundary of the Township of Sarnia.

THE ELECTORAL DISTRICT OF LANARK-RENFREW—consists of the County of Lanark, the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF LAWRENCE—consists of that part of the City of North York lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of North York with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Allen Road; thence southerly along Allen Road to the westerly prolongation of Baycrest Avenue; thence easterly along the said prolongation to and along Baycrest Avenue to Bathurst Street; thence southerly along Bathurst Street to Old Orchard Grove; thence easterly along Old Orchard Grove to the southerly limit of the City of North York.

THE ELECTORAL DISTRICT OF LEEDS-GRENVILLE—consists of the County of Leeds, the Town of Prescott, the Village of Merrickville and the townships of Augusta and Wolford.

THE ELECTORAL DISTRICT OF LINCOLN—consists of the towns of Grimsby, Lincoln and Pelham, the Township of West Lincoln, and that part of the City of St. Catharines lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of St. Catharines with Twelve Mile Creek; thence northerly along Twelve Mile Creek to the Queen Elizabeth Way; thence westerly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West;

thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

**THE ELECTORAL DISTRICT OF LONDON CENTRE**—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to Huron Street; thence easterly along Huron Street to Clarke Side Road; thence southerly along Clarke Side Road and its southerly prolongation to the limit between the City of London and the Township of Westminster; thence westerly and southerly along the said limit to Commissioners Road; thence westerly along Commissioners Road to the Canadian National railway line; thence northwesterly along the said railway line to the easterly prolongation of Base Line Road; thence westerly to and along Base Line Road to Wharnccliffe Road South; thence northerly along Wharnccliffe Road South to the Thames River; thence easterly along the said river to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

**THE ELECTORAL DISTRICT OF LONDON NORTH**—consists of that part of the City of London lying within the following limits: Commencing at the intersection of Oxford Street with Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London; thence westerly and southerly along the northerly and westerly limits of the said city to the Thames River; thence easterly along the Thames River to the North Thames River; thence northerly along the North Thames River to Oxford Street; thence easterly along Oxford Street to the point of commencement.

**THE ELECTORAL DISTRICT OF LONDON SOUTH**—consists of that part of the City of London lying within the following limits: Commencing at the intersection of the westerly limit of the City of London with the Thames River; thence easterly along the Thames River to Wharnccliffe Road South; thence southerly along Wharnccliffe Road South to Base Line Road; thence easterly along Base Line Road and its easterly prolongation to the Canadian National railway line; thence southeasterly along the Canadian National railway line to Commissioners Road; thence easterly along Commissioners Road to the easterly limit of the City of London; thence southerly, westerly and northerly along the easterly, southerly and westerly limits of the City of London to the point of commencement.

**THE ELECTORAL DISTRICT OF MARKHAM**—consists of the Town of Markham.

**THE ELECTORAL DISTRICT OF MIDDLESEX**—consists of the County of Middlesex and Indian reserves No. 41 and No. 42 but excluding that part of the City of London lying westerly of a line described as follows: Commencing at the intersection of the Thames River with the southerly prolongation of Clarke Side Road; thence northerly to and along Clarke Side Road to Huron Street; thence westerly along Huron Street to Highbury Avenue; thence northerly along Highbury Avenue to the northerly limit of the City of London.

**THE ELECTORAL DISTRICT OF MISSISSAUGA EAST**—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of Eglinton Avenue East with the easterly limit of the City of Mississauga; thence southerly along the easterly limit of the said city to Dundas Street East; thence southwesterly along Dundas Street East to Cawthra Road; thence southeasterly along Cawthra Road to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to Hurontario Street; thence northwesterly along Hurontario Street to Central Parkway East; thence easterly and northerly along Central Parkway East to Burnhamthorpe Road East; thence northeasterly along Burnhamthorpe Road East to Cawthra Road; thence northwesterly along Cawthra Road to Eglinton Avenue East;

thence northeasterly along Eglinton Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF MISSISSAUGA NORTH—consists of that part of the City of Mississauga lying northerly of Eglinton Avenue.

THE ELECTORAL DISTRICT OF MISSISSAUGA SOUTH—consists of that part of the City of Mississauga lying southerly of a line described as follows: Commencing at the intersection of the southwesterly limit of the City of Mississauga with the Queen Elizabeth Way; thence northeasterly along the Queen Elizabeth Way to Cawthra Road; thence northwesterly along Cawthra Road to Dundas Street East; thence northeasterly along Dundas Street East to the easterly limit of the City of Mississauga.

THE ELECTORAL DISTRICT OF MISSISSAUGA WEST—consists of that part of the City of Mississauga lying within the following limits: Commencing at the intersection of the westerly limit of the City of Mississauga with Eglinton Avenue West; thence northeasterly along Eglinton Avenue West and Eglinton Avenue East to Cawthra Road; thence southeasterly along Cawthra Road to Burnhamthorpe Road East; thence southwesterly along Burnhamthorpe Road East to Central Parkway East; thence southerly and westerly along Central Parkway East to Hurontario Street; thence southeasterly along Hurontario Street to the Queen Elizabeth Way; thence southwesterly along the Queen Elizabeth Way to the westerly limit of the City of Mississauga; thence northwesterly, southwesterly and northwesterly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF MUSKOKA-GEORGIAN BAY—consists of The District Municipality of Muskoka, the Town of Midland, the villages of Port McNicoll and Victoria Harbour and the townships of Matchedash and Tay.

THE ELECTORAL DISTRICT OF NEPEAN—consists of that part of the City of Nepean lying southerly and westerly of a line described as follows: Commencing at the intersection of the Rideau River with Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the northerly limit of the City of Nepean.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—consists of that part of the City of Niagara Falls lying northerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Willoughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NIAGARA SOUTH—consists of the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and that part of the City of Niagara Falls lying southerly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Niagara Falls with McLeod Road; thence easterly along McLeod Road to Stanley Avenue; thence southerly along Stanley Avenue and its southerly prolongation to the

Welland River; thence easterly along the Welland River to a line drawn northwesterly and perpendicularly to Main Street from the intersection of Main Street with Sodom Road; thence southeasterly along the said line to the intersection of Main Street with Sodom Road; thence southerly along Sodom Road to Weinbrenner Road; thence easterly along Weinbrenner Road to Wiloughby Drive; thence easterly along Edgeworth Road and its easterly prolongation to the water's edge along the shore of the Niagara River; thence south 45° 00' east to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF NICKEL BELT—consists of that part of the Territorial District of Sudbury lying northerly and westerly of a line described as follows: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the east boundary of the geographic Township of Eden; thence southerly along the east boundary of the geographic townships of Eden, Bevin and Sale to the southerly boundary of the Territorial District of Sudbury; thence westerly along the said boundary to the southwest corner of the geographic Township of Roosevelt; thence northerly along the west boundary of the geographic townships of Roosevelt and Truman to the southeast corner of the Township of Nairn; thence westerly along the south boundary of the townships of Nairn and Baldwin to the southwest corner of the last mentioned township; thence westerly along the south boundary of the geographic townships of Shakespeare and Gough to the westerly boundary of the Territorial District of Sudbury.

THE ELECTORAL DISTRICT OF NIPISSING—consists of that part of the Territorial District of Nipissing lying within the following limits: Commencing at the northwest corner of the geographic Township of Hugel; thence easterly along the north boundary of the geographic townships of Hugel and Badgerow to the northwest corner of the Township of Field; thence easterly along the north boundary of the Township of Field to the northeast corner thereof; thence easterly along the north boundary of the geographic townships of Grant, Charlton, Blyth, Merrick, Mulock, French, Butler and Antoine to the northeast corner of the last mentioned township; thence easterly along the prolongation of the north boundary of the geographic Township of Antoine to the Interprovincial Boundary between Ontario and Quebec; thence southerly along the said Interprovincial Boundary to the northeast corner of the Township of Mattawan; thence westerly along the north boundary of the said township to the northwest corner thereof; thence southerly along the west boundary of the Township of Mattawan to the southwesterly corner thereof; thence westerly along the northerly boundary of the townships of Calvin, Bonfield and East Ferris to the northwesterly corner of the last mentioned township; thence southerly along the westerly boundary of the Township of East Ferris to the northeasterly corner of the Township of North Himsforth; thence westerly and northerly along the southerly and westerly boundaries of the Territorial District of Nipissing to the point of commencement.

THE ELECTORAL DISTRICT OF NORFOLK—consists of the City of Nanticoke, the towns of Simcoe and Tillsonburg and the townships of Delhi and Norfolk.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—consists of the County of Northumberland.



THE ELECTORAL DISTRICT OF OAKVILLE SOUTH—consists of that part of the Town of Oakville lying southerly of the Queen Elizabeth Way and that part of the City of Burlington lying within the following limits: Commencing at the intersection of the northeasterly limit of the City of Burlington with New Street; thence southwesterly along New Street to Appleby Line; thence southeasterly along Appleby Line to Appleby Place; thence southeasterly along Appleby Place and its southeasterly prolongation to the shore of Lake Ontario; thence northeasterly along the said shore to the northeasterly limit of the City of Burlington; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OAKWOOD—consists of that part of the cities of York and Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West with Bathurst Street; thence southerly along Bathurst Street to the southerly limit of the City of York situated immediately north of St. Clair Avenue West; thence westerly along the said limit to the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York; thence easterly along the said limit to Allen Road; thence southerly along Allen Road to Eglinton Avenue West; thence easterly along Eglinton Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF ORIOLE—consists of that part of the City of North York lying northerly of the Macdonald-Cartier Freeway and easterly of Leslie Street.

THE ELECTORAL DISTRICT OF OSHAWA—consists of that part of the City of Oshawa lying southerly and easterly of a line described as follows: Commencing at the intersection of the westerly limit of the City of Oshawa with King Street West; thence easterly along King Street West to Ritson Road North; thence northerly along Ritson Road North to Taunton Road; thence easterly along Taunton Road to the easterly limit of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA CENTRE—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with Island Park Drive; thence southerly along Island Park Drive to Merivale Road; thence southerly along Merivale Road to the southerly limit of the City of Ottawa; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to Heron Road; thence easterly along Heron Road to the Rideau Canal; thence northeasterly and northerly along the said canal to the northerly extremity thereof; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence westerly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA EAST—consists of the City of Vanier, and that part of the cities of Gloucester and Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec and a line drawn on a course of north 45° 00' west from the northerly extremity of Rideau Canal; thence south 45° 00' east along the said line to the northerly extremity of the Rideau Canal; thence southerly along the said canal to the Queensway; thence easterly along the Queensway to Blair Road; thence northerly along Blair Road to Montreal Road; thence westerly along Montreal Road to the easterly limit of the City of Vanier; thence northerly along the said limit to Beechwood Avenue; thence southwesterly along Beechwood Avenue to the limit between the City of Ottawa and the Village of Rockcliffe Park; thence northerly and westerly along the said limit to the most northwesterly corner of the Village of Rockcliffe Park;

thence northeasterly along the northwesterly limit of the Village of Rockcliffe Park to Princess Avenue; thence northwesterly along Princess Avenue to Rockcliffe Driveway; thence north 45° 00' west to the Interprovincial Boundary between Ontario and Quebec; thence southwesterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA-RIDEAU—consists of that part of the cities of Gloucester, Nepean and Ottawa lying within the following limits: Commencing at the intersection of Clyde Avenue with the northerly limit of the City of Nepean; thence easterly along the said limit and its easterly prolongation to Fisher Avenue; thence northerly along Fisher Avenue to Base Line Road; thence easterly along Base Line Road to the Rideau Canal; thence southerly along the Rideau Canal to the Rideau River; thence southerly along the Rideau River to the westerly prolongation of Walkley Road; thence easterly along the said prolongation to and along Walkley Road to its easterly extremity; thence easterly along the easterly prolongation of Walkley Road to the easterly limit of the City of Ottawa; thence southerly and westerly along the easterly and southerly limits of the City of Ottawa to Conroy Road; thence southerly along Conroy Road to the King's Highway No. 31; thence southerly along said Highway to Leitrim Road; thence westerly along Leitrim Road to Albion Road; thence southerly along Albion Road to Leitrim Drive; thence westerly along Leitrim Drive to the westerly limit of the part of the Ottawa International Airport lying northerly of Leitrim Drive; thence northerly along the said westerly limit to the northerly limit of the City of Gloucester; thence westerly along the said limit to the Rideau River; thence southerly along the Rideau River to Black Rapids Creek; thence westerly along Black Rapids Creek to Woodroffe Avenue; thence northerly along Woodroffe Avenue to the Canadian National-Canadian Pacific railway line; thence easterly along the said railway line to Merivale Road; thence northerly along Merivale Road to Clyde Avenue; thence northerly along Clyde Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—consists of that part of the City of Ottawa lying within the following limits: Commencing at the intersection of the easterly limit of the City of Ottawa with the easterly prolongation of Walkley Road; thence westerly along the said prolongation to and along Walkley Road and its westerly prolongation to the Rideau River; thence northerly along the Rideau River to the Rideau Canal; thence northerly and easterly along the Rideau Canal to the Queensway; thence easterly along the Queensway to the easterly limit of the City of Ottawa; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA WEST—consists of that part of the City of Ottawa lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Ottawa with Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between Ontario and Quebec.

THE ELECTORAL DISTRICT OF OXFORD—consists of the County of Oxford but excluding the Town of Tillsonburg.

THE ELECTORAL DISTRICT OF PARKDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the southwesterly limit of the City of Toronto with the southerly prolongation of Roncesvalles Avenue; thence northerly along the said prolongation to and along Roncesvalles Avenue to Dundas Street West; thence northerly along Dundas Street West to Bloor Street West; thence easterly along Bloor Street West to Ossington Avenue; thence southerly along Ossington Avenue to College Street; thence westerly along College Street to Dovercourt Road; thence southerly along Dovercourt Road and its southerly prolongation to King

Street West; thence westerly along King Street West to Atlantic Avenue; thence southerly along Atlantic Avenue and its southerly prolongation to the Gardiner Expressway; thence easterly along the Gardiner Expressway to Strachan Avenue; thence southerly along Strachan Avenue and its southerly prolongation to the southwesterly limit of the City of Toronto; thence northwesterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF PARRY SOUND—consists of the Territorial District of Parry Sound and that part of the Territorial District of Nipissing, but excluding the Township of Airy and the geographic townships of Dickens, Lyell, Murchison and Sabine, lying southerly of a line described as follows: Commencing at the northeasterly corner of the Township of North Himsworth; thence northerly along the westerly boundary of the Township of East Ferris to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of East Ferris, Bonfield and Calvin to the southwesterly corner of the Township of Mattawan; thence northerly and easterly along the west and north boundaries of the Township of Mattawan to the northeasterly corner thereof.

THE ELECTORAL DISTRICT OF PERTH—consists of the County of Perth.

THE ELECTORAL DISTRICT OF PETERBOROUGH—consists of the City of Peterborough, the Village of Millbrook, the townships of Cavan, Ennismore, North Monaghan, South Monaghan and Smith, and Indian Reserve No. 35.

THE ELECTORAL DISTRICT OF PORT ARTHUR—consists of that part of the Territorial District of Thunder Bay lying within the following limits: Commencing at the southwest corner of the geographic Township of Adrian; thence northerly along the west boundary of the geographic townships of Adrian and Horne to the southerly boundary of the Dawson Road Lots; thence westerly, northerly and easterly along the southerly, westerly and northerly boundaries of the Dawson Road Lots to the west boundary of the geographic Township of Goldie; thence northerly along the west boundary of the geographic Township of Goldie to the northwest corner thereof; thence easterly along the north boundary of the geographic townships of Goldie and Forbes to the southeast corner of Block 1; thence northerly along the east boundary of the said block to the northwest corner of the geographic Township of Fowler; thence easterly along the north boundary of the geographic townships of Fowler and Jacques to the northeast corner of the last mentioned township; thence southerly along the east boundary of the geographic Township of Jacques to the north boundary of the geographic Township of Gorham; thence easterly along the north boundary of the said township to the northeast corner thereof; thence southerly along the east boundary of the geographic Township of Gorham to the northwest corner of the Township of Shuniah; thence easterly and northerly along the north and west boundaries of the Township of Shuniah to the southwest corner of the Township of Dorion; thence easterly along the south boundary of the said township to the southeast corner thereof; thence east astronomically to the centre line of Black Bay of Lake Superior; thence southerly along the said centre line to the southerly extremity thereof; thence south astronomically to the International Boundary between Canada and the United States of America; thence southwesterly along the said International Boundary to the line of longitude 89° 00'; thence north astronomically along the said line of longitude to the easterly prolongation of the south limit of the former City of Port Arthur, as existing prior to January 1, 1970; thence westerly along the said prolongation to and along the south limit of the said former City of Port Arthur to Golf Links Road; thence northerly along Golf Links Road to the Harbour Access Route; thence westerly along the Harbour Access Route to the Lakehead Expressway; thence southerly along the Lakehead Expressway to the south limit of the former City of Port Arthur as existing prior to January 1, 1970; thence westerly along the said limit and the south boundary of the former Township of McIntyre as existing prior to Janu-



ary 1, 1970, to the northeast corner of the Township of Paipoonge; thence westerly along the north boundary of the said township to the northwest corner thereof; thence northerly along the east boundary of the Township of O'Connor to the northeast corner thereof; thence westerly along the north boundary of the Township of O'Connor to the southeast corner of the geographic Township of Adrian; thence westerly along the south boundary of the said township to the point of commencement.

THE ELECTORAL DISTRICT OF PRESCOTT AND RUSSELL—consists of the counties of Prescott and Russell and the Township of Cumberland.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—consists of the County of Prince Edward, the towns of Deseronto and Napanee, the Village of Bath, the townships of Adolphustown, Ernestown, North Fredericksburgh, Richmond, South Fredericksburgh, Thurlow and Tyendinaga, and Indian Reserve No. 38.

THE ELECTORAL DISTRICT OF QUINTE—consists of the cities of Belleville and Trenton, the Village of Frankford, and the Township of Sidney.

THE ELECTORAL DISTRICT OF RAINY RIVER—consists of the Territorial District of Rainy River and that part of the Territorial District of Kenora, excluding the community of English River, lying south of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with a line drawn west astronomic from the westerly extremity of the 4th Base Line at the westerly shore of Aulneau Peninsula; thence east astronomically along the said line to the westerly extremity of the said 4th Base Line; thence easterly along the said base line to the 6th Meridian Line surveyed by A. Niven, O.L.S., in 1894; thence northerly along the 6th Meridian Line to the northwest corner of the geographic Township of Van Horne; thence easterly along the north boundary of the said township to the northwest corner of the Town of Dryden; thence southerly and easterly along the westerly and southerly limits of the said town to the west limit of the Township of Barclay; thence northerly, easterly and southerly along the west, north and east boundaries of the said township to the north boundary of the geographic Township of Zealand; thence easterly along the north boundary of the geographic townships of Zealand, Hartman and MacFie to the northeast corner of the last mentioned township; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the southwest corner of Block 9; thence easterly along the south boundary of the said block to the southeast corner thereof; thence easterly along the base line run by Phillips and Benner, O.L.S., in 1932, to the boundary between the territorial districts of Kenora and Thunder Bay.

THE ELECTORAL DISTRICT OF RENFREW NORTH—consists of the Township of Airy, the geographic townships of Dickens, Lyell, Murchison and Sabine, and the County of Renfrew but excluding the towns of Arnprior and Renfrew, the Village of Braeside and the townships of Admaston, Bagot and Blithfield, Horton and McNab.

THE ELECTORAL DISTRICT OF RIVERDALE—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the Don River with the northerly limit of the City of Toronto; thence easterly along the said limit to Coxwell Avenue; thence southerly along Coxwell Avenue to the Canadian National railway line; thence southwesterly along the said railway line to Greenwood Avenue; thence southerly along Greenwood Avenue to Queen Street East; thence westerly along Queen Street East to Leslie Street; thence southerly along Leslie Street and its southerly prolongation to the southerly limit of the City of Toronto; thence westerly along the said limit to the southerly prolongation of the centre line of Eastern Channel of Inner Harbour; thence northerly along the said prolongation to and along the said centre line to the northerly extremity thereof; thence northerly along the

prolongation of the said centre line to the water's edge of Inner Harbour; thence easterly along the said water's edge to the northerly side of the Keating Channel; thence easterly along the said northerly side to the Don River; thence northerly along the Don River to the point of commencement.

THE ELECTORAL DISTRICT OF ST. ANDREW-ST. PATRICK—consists of that part of the cities of Toronto and York lying within the following limits: Commencing at the intersection of Yonge Street with College Street; thence westerly along College Street to Bathurst Street; thence northerly along Bathurst Street to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Allen Road; thence northerly along Allen Road to the northerly limit of the City of Toronto; thence easterly along the said limit to the southerly extremity of the course thereon oriented in a northerly and southerly direction and situated immediately west of Proudfoot Avenue; thence southerly along the prolongation of the said course in the northerly limit of the City of Toronto to Briar Hill Avenue; thence easterly along Briar Hill Avenue to Castlewood Road; thence southerly along Castlewood Road to Roselawn Avenue; thence westerly along Roselawn Avenue to Latimer Avenue; thence southerly along Latimer Avenue to Eglinton Avenue West; thence easterly along Eglinton Avenue West to Duncannon Drive; thence southerly along Duncannon Drive and its southerly prolongation to the abandoned Canadian National railway line situated immediately southwesterly of Chaplin Crescent; thence southeasterly along the said railway line to Yonge Street; thence southerly along Yonge Street to the easterly prolongation of Lonsdale Road; thence westerly along the said prolongation to and along Lonsdale Road to Avenue Road; thence southerly along Avenue Road to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Yonge Street; thence southerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF ST. CATHARINES—consists of that part of the City of St. Catharines lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Martindale Road; thence northerly along Martindale Road to Lakeshore Road West; thence westerly along Lakeshore Road West to Courtleigh Road; thence northerly along Courtleigh Road and its northerly prolongation to the northerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. CATHARINES-BROCK—consists of the Town of Niagara-on-the-Lake and that part of the City of St. Catharines lying southerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of St. Catharines with the Queen Elizabeth Way; thence northwesterly along the Queen Elizabeth Way to Twelve Mile Creek; thence southerly along Twelve Mile Creek to the southerly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF ST. GEORGE-ST. DAVID—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of Carlton Street with Yonge Street; thence northerly along Yonge Street to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road and its easterly prolongation to Yonge Street; thence southerly along Yonge Street to the southerly limit of Mount Pleasant Cemetery; thence easterly along the said limit to the westerly limit of the Borough of East York; thence southerly and easterly along the westerly and southerly limits of the said borough to the Don River; thence southerly along the Don River to the northerly side of the Keating Channel; thence westerly along the said northerly side to the water's edge of Inner Harbour; thence westerly along the said water's edge to the southerly prolongation of Sherbourne Street; thence northerly along the said prolongation to and along

Sherbourne Street to Carlton Street; thence westerly along Carlton Street to the point of commencement.

THE ELECTORAL DISTRICT OF SARNIA—consists of the City of Sarnia, the Village of Point Edward, that part of the Township of Sarnia lying westerly of Modeland Road and northerly of Confederation Street, and Indian Reserve No. 45.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—consists of the City of Sault Ste. Marie.

THE ELECTORAL DISTRICT OF SCARBOROUGH-AGINCOURT—consists of that part of the City of Scarborough lying northerly of the Macdonald-Cartier Freeway and westerly of the Canadian National railway line situated immediately east of Kennedy Road.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Lawrence Avenue East and Markham Road; thence southerly along Markham Road and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southerly prolongation of Wynnview Court; thence northerly along the said prolongation to and along Wynnview Court to the northerly extremity thereof; thence northerly in a straight line to the southerly extremity of Kennedy Road; thence northerly along Kennedy Road to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the Canadian National railway line situated immediately west of Midland Avenue; thence northerly along the said railway line to Lawrence Avenue East; thence easterly along Lawrence Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of Markham Road with Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northwesterly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of Scarborough; thence southerly along the said limit to the southeasterly corner of the said city; thence westerly along the southerly limit of the said city to the southerly prolongation of Markham Road; thence northerly along the said prolongation to and along Markham Road to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH-ELLESMERE—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the Macdonald-Cartier Freeway with Victoria Park Avenue; thence southerly along Victoria Park Avenue to Lawrence Avenue East; thence easterly along Lawrence Avenue East to West Highland Creek; thence northerly along West Highland Creek to Highland Creek; thence northerly along Highland Creek to an unnamed creek immediately west of the westerly extremity of Silversand Place; thence northerly along the said unnamed creek to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—consists of that part of the City of Scarborough lying northerly and easterly of a line described as follows: Commencing at the intersection of the easterly limit of the City of Scarborough with the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to the Canadian National railway line situated immediately east of Kennedy Road; thence northerly along the said railway line to the northerly limit of the City of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—consists of that part of the City of Scarborough lying within the following limits: Commencing at the intersection of the westerly limit of the City of Scarborough with Lawrence Avenue East; thence easterly along Lawrence Avenue East to the Canadian National railway line; thence southerly along the said railway line to Eglinton Avenue East; thence westerly along Eglinton Avenue East to Kennedy Road; thence southerly along Kennedy Road to the southerly extremity thereof; thence southerly in a straight line to the northerly extremity of Wynnview Court; thence southerly along Wynnview Court and its southerly prolongation to the southerly limit of the City of Scarborough; thence westerly along the said limit to the southwest corner of the said city; thence northerly along the westerly limit of the said city to the point of commencement.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—consists of the City of Barrie, the Town of Bradford, and the townships of Innisfil, Vespra and West Gwillimbury.

THE ELECTORAL DISTRICT OF SIMCOE EAST—consists of the City of Orillia, the Town of Penetanguishene, the villages of Coldwater and Elmvale, the townships of Flos, Mara, Medonte, Orillia, Oro, Rama and Tiny, and Indian reserves No. 30 and No. 32.

THE ELECTORAL DISTRICT OF SIMCOE WEST—consists of the towns of Alliston, Collingwood, Stayner, and Wasaga Beach, the villages of Beeton, Cookstown, Creemore and Tottenham, and the townships of Adjala, Essa, Nottawasaga, Sunnidale, Tecumseth and Tosoronto.

THE ELECTORAL DISTRICT OF STORMONT, DUNDAS AND GLENGARRY—consists of the towns of Alexandria and Kemptville, the villages of Cardinal, Chesterville, Finch, Iroquois, Lancaster, Maxville, Morrisburg and Winchester, and the townships of Edwardsburgh, Finch, Kenyon, Lancaster, Lochiel, Matilda, Mountain, Osnaburck, Oxford-on-Rideau, Roxborough, South Gower, Williamsburgh and Winchester.

THE ELECTORAL DISTRICT OF SUDBURY—consists of that part of the City of Sudbury lying within wards 1, 4, 5, 6, 7 and 8 and that part of wards 2 and 3 lying southerly of Lasalle Boulevard.

THE ELECTORAL DISTRICT OF SUDBURY EAST—consists of that part of the Territorial District of Sudbury lying within the following limits: Commencing at the southeast corner of the geographic Township of Janes; thence westerly along the south boundary of the geographic townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly, northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly, easterly and southerly along the limits of the Town of Valley East to the northwest corner of the City of Sudbury; thence easterly along the northerly limit of the City of Sudbury to the northeast corner of Ward 4; thence southerly along the easterly limit of Ward 4 to Lasalle Boulevard; thence easterly along Lasalle Boulevard to the easterly limit of the City of Sudbury; thence southerly along the said limit to the northeast corner of Ward 9; thence westerly along the north limit of Ward 9 to the westerly limit of the City of Sudbury; thence southerly along the westerly limit of the City of Sudbury to the southwest corner thereof; thence easterly along the southerly limit of the City of Sudbury to the west boundary of the geographic Township of Tilton; thence southerly along the west boundary of the geographic townships of Tilton, Halifax, Attlee, Kilpatrick and Travers to the boundary between the territorial districts of Sudbury and Parry Sound; thence easterly along the said boundary to the boundary between the territorial districts of Sudbury and Nipissing; thence westerly and northerly along the said boundary to the point of commencement.



THE ELECTORAL DISTRICT OF TIMISKAMING—consists of the Territorial District of Timiskaming and that part of the Territorial District of Nipissing lying northerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between Ontario and Quebec with the easterly prolongation of the south boundary of the geographic Township of Eddy; thence westerly along the said prolongation to and along the south boundary of the geographic Township of Eddy and of the geographic townships of Jocko, Lockhart, Stewart, Notman, Lyman, Fell, Bastedo, Gibbons and Crerar to the southwest corner of the last mentioned township.

THE ELECTORAL DISTRICT OF VICTORIA-HALIBURTON—consists of the counties of Haliburton and Victoria but excluding the Township of Manvers.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—consists of the City of Waterloo and the townships of Wellesley and Woolwich.

THE ELECTORAL DISTRICT OF WELLAND-THOROLD—consists of the cities of Thorold and Welland.

THE ELECTORAL DISTRICT OF WELLINGTON—consists of the County of Wellington but excluding the City of Guelph.

THE ELECTORAL DISTRICT OF WENTWORTH EAST—consists of the Township of Glanbrook, the City of Stoney Creek and that part of the City of Hamilton lying within the following limits: Commencing at the intersection of the easterly limit of the City of Hamilton with the brow of Hamilton Mountain; thence southwesterly along the said brow to Redhill Creek; thence northerly along Redhill Creek to Queenston Road; thence easterly along Queenston Road to the easterly limit of the City of Hamilton; thence southerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF WENTWORTH NORTH—consists of the towns of Ancaster and Dundas and the Township of Flamborough.

THE ELECTORAL DISTRICT OF WILLOWDALE—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Yonge Street with the northerly limit of the City of North York; thence easterly along the said limit to Leslie Street; thence southerly along Leslie Street to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Bathurst Street; thence northerly along Bathurst Street to Finch Avenue West; thence easterly along Finch Avenue West to Yonge Street; thence northerly along Yonge Street to the point of commencement.

THE ELECTORAL DISTRICT OF WILSON HEIGHTS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Dufferin Street with the northerly limit of the City of North York; thence easterly along the said limit to Yonge Street; thence southerly along Yonge Street to Finch Avenue West; thence westerly along Finch Avenue West to Bathurst Street; thence southerly along Bathurst Street to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Avenue Road; thence southerly along Avenue Road to the westerly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence easterly along the said prolongation to the southerly limit of the City of North York; thence southerly along the said limit to Old Orchard Grove; thence westerly along Old Orchard Grove to Bathurst Street; thence northerly along Bathurst Street to Baycrest Avenue; thence westerly along Baycrest Avenue and its westerly prolongation to Allen Road; thence northerly along Allen Road to Dufferin Street; thence northerly along Dufferin Street to the point of commencement.

THE ELECTORAL DISTRICT OF WINDSOR-RIVERSIDE—consists of the Town of Tecumseh, the Village of St. Clair Beach and that part of the City of Windsor (including Peche Island) lying easterly of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Buckingham Drive; thence southerly along the said prolongation to and along Buckingham Drive to Wyandotte Street East; thence westerly along Wyandotte Street East to Raymo Road; thence southerly along Raymo Road and its southerly prolongation to the Canadian National railway line; thence westerly along the said railway line to the northerly prolongation of Norman Road; thence southerly along the said prolongation to and along Norman Road to Tecumseh Road East; thence westerly along Tecumseh Road East to the Chesapeake and Ohio railway line; thence southerly along the said railway line to the southerly limit of the City of Windsor.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—consists of the Township of Sandwich West and that part of the City of Windsor lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of Windsor with Cabana Road West; thence easterly along Cabana Road West to Dougall Avenue; thence northerly along Dougall Avenue to Ouellette Place; thence northerly along Ouellette Place to Ouellette Avenue; thence northerly along Ouellette Avenue and its northerly prolongation to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—consists of that part of the City of Windsor lying within the following limits: Commencing at the intersection of the International Boundary between Canada and the United States of America with the northerly prolongation of Ouellette Avenue; thence southerly along the said prolongation to and along Ouellette Avenue to Ouellette Place; thence southerly along Ouellette Place to Dougall Avenue; thence southerly along Dougall Avenue to Cabana Road West; thence westerly along Cabana Road West to the southerly limit of the City of Windsor; thence easterly along the said limit to the Chesapeake and Ohio railway line; thence northerly along the said railway line to Tecumseh Road East; thence easterly along Tecumseh Road East to Norman Road; thence northerly along Norman Road and its northerly prolongation to the Canadian National railway line; thence easterly along the said railway line to the southerly prolongation of Raymo Road; thence northerly along the said prolongation to and along Raymo Road to Wyandotte Street East; thence easterly along Wyandotte Street East to Buckingham Drive; thence northerly along Buckingham Drive and its northerly prolongation to the International Boundary between Canada and the United States of America; thence westerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF YORK CENTRE—consists of the towns of Richmond Hill and Vaughan.

THE ELECTORAL DISTRICT OF YORK EAST—consists of that part of the Borough of East York lying within the following limits: Commencing at the intersection of Chisholm Avenue with the southerly limit of the Borough of East York; thence westerly, northerly, easterly and southeasterly along the southerly, westerly and northerly limits of the said borough to Don Mills Road; thence southerly along Don Mills Road to the Don River; thence easterly along the Don River to Taylor Creek; thence southeasterly along Taylor Creek to the northerly prolongation of Chisholm Avenue; thence southerly along the said prolongation to and along Chisholm Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF YORK MILLS—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Avenue Road with the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the City of North York;

thence southerly along the said limit to Lawrence Avenue East; thence westerly along Lawrence Avenue East and its westerly prolongation to Don River West Branch; thence northwesterly along the Don River West Branch to the easterly prolongation of the course in the southerly limit of the City of North York oriented in an easterly and westerly direction and situated immediately north of Glen Echo Road; thence westerly along the said prolongation to and along the southerly limit of the City of North York to the westerly extremity of the course thereon oriented in an easterly and westerly direction and situated immediately south of Brooke Avenue; thence westerly along the prolongation of the said course to Avenue Road; thence northerly along Avenue Road to the point of commencement.

THE ELECTORAL DISTRICT OF YORK NORTH—consists of the towns of Aurora and Newmarket and the Township of King.

THE ELECTORAL DISTRICT OF YORK SOUTH—consists of that part of the City of York lying westerly of a line described as follows: Commencing at the intersection of the southerly limit of the City of York with the Canadian National railway line situated immediately east of Blackthorn Avenue; thence northerly along the said railway line to Eglinton Avenue West; thence westerly along Eglinton Avenue West to Keele Street; thence northerly along Keele Street to the northerly limit of the City of York.

THE ELECTORAL DISTRICT OF YORKVIEW—consists of that part of the City of North York lying within the following limits: Commencing at the intersection of Black Creek with the northerly limit of the City of North York; thence westerly and southerly along the northerly and westerly limits of the City of North York to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Jane Street; thence northerly along Jane Street to Finch Avenue West; thence easterly along Finch Avenue West to Black Creek; thence northerly along Black Creek to the point of commencement.





## CHAPTER 31

### An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of the *Metropolitan Toronto Police Force Complaints Act, 1984*, being chapter 63, is amended by adding thereto the following subsections:

(3a) If the joint recommendations referred to in subsection (3) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure to  
make joint  
recommen-  
dations

(3b) Before making the recommendation referred to in subsection (3a), the Attorney General and the Solicitor General shall consider any recommendations made by the Metropolitan Board of Commissioners of Police alone or the Metropolitan Toronto Police Association alone.

Individual  
recommen-  
dations to be  
considered

(4a) If the recommendations referred to in subsection (4) have not been submitted to the Attorney General within the time that the Attorney General has specified under subsection (6), one-third of the members of the panel shall be persons, other than members of the Law Society of Upper Canada, who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Failure  
to make  
recommen-  
dations

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Metropolitan Toronto Police Force Complaints Amendment Act, 1986*.

Short title



## CHAPTER 32

**An Act to amend the Wine Content Act***Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 (2) of the *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 2, section 1, is further amended by striking out “1986” in the amendment of 1984 and inserting in lieu thereof “1987”.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Wine Content Amendment Act, 1986*. Short title



## CHAPTER 33

**An Act to revise the Election Finances  
Reform Act and to amend certain other Acts  
respecting Election Financing**

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Definitions

“*bona fide* news reporting” includes interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication or broadcast on the facilities of any broadcasting undertaking without charge to any political party, constituency association or candidate registered under this Act;

“broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada);

R.S.C. 1970,  
c. B-11

“by-election” means an election other than a general election;

“campaign expense” means any expense incurred in relation to an election by or on behalf of a political party, constituency association or candidate registered under this Act during the period commencing with the issue of a writ for an election and terminating on polling day, other than,

- (a) expenses incurred by a candidate in seeking nomination in accordance with the *Election Act, 1984*, 1984, c. 54
- (b) a candidate’s deposit as required under the *Election Act, 1984*,
- (c) auditor’s and accounting fees,
- (d) interest on loans authorized under section 36,
- (e) expenses incurred in holding a fund-raising function referred to in section 24,

- (f) expenses incurred for “victory parties” held and “thank you” advertising published after polling day,
- (g) expenses incurred in relation to the administration of the political party or constituency association,
- (h) transfers authorized under section 28,
- (i) fees paid in respect of maintaining a credit card facility, and
- (j) expenses relating to a recount in respect of the election,

but shall be deemed to include the value of any goods held in inventory for any candidate for use during a campaign period;

“campaign period” means the period commencing with the issue of a writ for an election and terminating three months after polling day;

“candidate” means,

1984, c. 54

- (a) a person who is duly nominated as a candidate for an electoral district in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer for that electoral district following the issue of a writ of election,
- (b) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
- (c) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself or herself to be an independent candidate at the election in the electoral district;

“Commission” means the Commission on Election Finances;

“constituency association”, in an electoral district, means the association or organization endorsed by a registered party as the official association of that party in the electoral district;

“contribution” does not include,



- (a) any goods produced for any political party, constituency association, candidate or leadership contestant by voluntary unpaid labour,
- (b) any service actually performed for any political party, constituency association, candidate or leadership contestant by an individual voluntarily, so long as such individual does not receive from his or her employer or from any person, corporation or trade union pursuant to an arrangement with the individual's employer, compensation in excess of that which he or she would normally receive during the period such service was performed, and
- (c) any moneys, goods or services solicited by or donated to a political party, constituency association, candidate or leadership contestant for purposes other than the purposes set forth in subsections 10 (1), 11 (1), 14 (2) and 15 (1), respectively;

"election" means an election to elect a member or members to serve in the Assembly;

"general election" means an election in respect of which election writs are issued for all electoral districts;

"leadership contest period" means the period commencing with the date of the official call for a leadership convention as set forth in the statement filed by a registered party under subsection 15 (2) and terminating two months after the date of the leadership vote;

"leadership contestant" means a person seeking election as leader of a registered party at a leadership convention called by that party for the purpose;

"leadership vote" means the date on which polling takes place to elect a leader of a registered party at a leadership convention;

"outdoor advertising facilities" means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;

"person" includes a candidate but does not include a corporation or trade union;

1984, c. 54 "polling day" means the day fixed under the *Election Act, 1984* for holding the poll at an election;

"registered candidate" means a candidate registered under this Act;

"registered constituency association" means a constituency association registered under this Act;

"registered leadership contestant" means a leadership contestant registered under this Act;

"registered party" means a political party registered under this Act;

R.S.O. 1980, c. 228, R.S.C. 1970, c. L-1 "trade union" means a trade union as defined by the *Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply and includes any central, regional or district labour council located in Ontario;

"year" means calendar year.

Associated corporations  
R.S.C. 1952, c. 148

(2) Where a corporation is associated with another corporation under section 256 of the *Income Tax Act* (Canada) and where one or both of those associated corporations does not or do not carry on an active business as that expression is defined in paragraph 125 (6) (d) of the *Income Tax Act* (Canada), the two associated corporations shall be considered as a single corporation for the purposes of this Act.

Contested constituency nominations

(3) This Act does not apply to campaigns and conventions carried on or held in relation to contested constituency nominations for endorsement of official party candidates.

Existing funds in trust

(4) This Act does not apply to,

(a) funds held in trust at 3 o'clock in the afternoon of the 13th day of February, 1975; and

(b) funds raised before the expiration of thirty days after the 13th day of February, 1975 by a fund-raising function organized before that day that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

- (c) within sixty days after the 2nd day of May, 1975, report in writing to the Commission the existence of such trust and the total amount of the funds therein;
- (d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by the *Trustee Act*;
- (e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause (d);
- (f) file with the Commission on or before the 30th day of April in each year a report of the expenditures from the trust during the previous year and the trustee's declaration that he or she has complied with the provisions of clauses (d) and (e); and
- (g) when the trust is terminated, forthwith notify the Commission thereof.

R.S.O. 1980,  
c. 512

#### COMMISSION ON ELECTION FINANCES

**2.—**(1) The commission heretofore known as the Commission on Election Contributions and Expenses is continued under the name Commission on Election Finances and shall be composed of,

Commission  
continued

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he or she remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of five years.

## Vice-chairman

(2) The members of the Commission shall elect one of the members appointed under clause (1) (a) as vice-chairman to serve as such for not more than two years.

## Absence of chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

## Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

## Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

## Members not to hold office with or contribute to party or constituency association

(6) Members of the Commission shall not, during their term of office, be members of the Assembly, candidates at an election or leadership contestants or hold office in any political party or constituency association or make contributions to any political party or constituency association registered under this Act.

## Reappointment

(7) Any member of the Commission, including the chairman, may be reappointed for one additional term.

## Remuneration of members

(8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council.

## Staff

**3.—**(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act.

## Office accommodation and supplies

(2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act.

## Powers and duties

**4.—**(1) The Commission, in addition to its other powers and duties under this Act, shall,

- (a) assist political parties, constituency associations, candidates and leadership contestants registered under this Act in the preparation of returns required under this Act;
- (b) ensure that every registered constituency association, registered candidate and registered leadership contestant has appropriate auditing services in order to properly comply with this Act;

- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties, registered constituency associations, registered candidates and registered leadership contestants in relation to election campaigns;
- (e) reimburse candidates and political parties for election expenses in accordance with section 46;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;
- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines for the proper administration of this Act as it considers necessary for the guidance of auditors, political parties, constituency associations, candidates and leadership contestants and any of the officers thereof; and
- (k) publish, in respect of each campaign period, a joint summary of the income, expenses and subsidy of each candidate, together with the income and expenses of the constituency association endorsing the candidacy of that candidate, in a newspaper or newspapers having a general circulation in the electoral district in which the candidate stood for election.

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual  
report

(3) The Commission shall, within sixty days following the campaign period in respect of each general election, make recommendations to the Speaker of the Assembly with respect to,

Recommendations  
to Speaker

- (a) changes in limits on contributions to registered constituency associations, candidates or political parties;
- (b) changes in limits on campaign expenses which may be incurred during a campaign period by candidates or political parties;
- (c) changes in levels of public funding of candidates or political parties;
- (d) changes in public funding of auditor's fees charged to constituency associations, candidates, political parties and leadership contestants; and
- (e) any other changes in monetary limits that it considers appropriate,

and the Speaker shall cause such recommendations to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of  
Commission  
under  
R.S.O. 1980,  
c. 411

**5.** For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of  
inspection

**6.** For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of an authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association, candidate or leadership contestant relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

**7.** Such information with respect to the affairs of a registered party, registered constituency association, registered candidate or registered leadership contestant that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party, registered constituency association, registered candidate or registered leadership contestant within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.



8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable out of moneys appropriated therefor by the Legislature. Expenditures of Commission

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. Audit

#### REGISTRATION

10.—(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration of parties

(2) Any political party that,

Qualifications  
for  
registration

(a) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or

(b) at any time other than during a campaign period and within one year of the Commission making a determination under subsection (7) that the name of the political party and the abbreviation thereof, if any, is registrable, provides the Commission with the names, addresses and signatures of 10,000 persons who,

(i) are eligible to vote in an election, and

(ii) endorse the registration of the political party concerned.

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application for registration

(a) the full name of the political party;

(b) the political party name or abbreviation to be shown in any election documents;



- (c) the name of the leader of the political party;
- (d) the address of the place or places in Ontario where records of the political party are maintained and of the place in Ontario to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause (h); and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration  
by  
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of  
political  
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where, in the opinion of the Commission, the name or the abbreviation of the name of the party so nearly resembles the name, abbreviation of the name or sobriquet of a registered party as to be likely to be confused with that registered party.

(6) Where any change in the information referred to,

Variation  
of register

- (a) in clause (3) (a) or (b) is proposed to be made, the registered party shall notify the Commission in writing of the proposed change and, unless the Commission determines that the proposed change is so significant as to constitute an entirely new name or abbreviation, the Commission shall, subject to subsection (5), vary the register of political parties accordingly; or
- (b) in clauses (3) (c) to (i) occurs, the registered party shall notify the Commission in writing within thirty days of such alteration and, upon receipt of such notice, the Commission shall vary the register of political parties accordingly.

(7) A political party which intends to apply to the Commission for registration under clause (2) (b) shall, prior to canvassing for signatures for the purpose, submit to the Commission the full name of the political party and the abbreviation thereof, if any, and the Commission shall determine whether the name and abbreviation thereof, if any, is registrable in accordance with subsection (5).

Submission  
of name to  
Commission

(8) Where the Commission determines that the name and abbreviation thereof, if any, of a political party is registrable, that name and abbreviation thereof, if any, shall be reserved for the political party for a period of one year following the date that the Commission makes the determination and, during the period, the political party shall be deemed to be a registered political party for the purposes of subsection (5).

Reservation  
of name

**11.—**(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act.

Registration  
of  
constituency  
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out,

Application  
for  
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;

- (b) the address of the place or places in Ontario where records of the constituency association are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause (f); and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration  
by  
Commission

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and,

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or
- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation  
of register

(4) Where any of the information referred to in clauses (2) (a) to (g) is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

**12.—**(1) Every political party and every constituency association that is registered under the *Election Finances Reform Act* on the day before this Act comes into force shall be deemed to be registered under this Act.

Certain political parties and constituency associations deemed registered  
R.S.O. 1980, c. 134

(2) All registered constituency associations shall be deemed to be deregistered on the day after the day Royal Assent is given to the *Representation Act, 1986*, and notwithstanding subsection 13 (7), all funds of any association not required to pay outstanding debts shall be held by its chief financial officer in trust for disposition in accordance with subsection (4).

Deregistration of constituency associations  
1986, c. 30

(3) A new constituency association, consistent with the newly established electoral districts under the *Representation Act, 1986*, may forthwith apply for registration under section 11.

Registration of new constituency associations

(4) The chief financial officer of a constituency association that has been deregistered under subsection (2) shall be deemed for the purposes of subsection 45 (1) to have ceased to hold office as such on the day on which the constituency association is deregistered but notwithstanding that such chief financial officer no longer holds office, notwithstanding any other provision of this Act, he or she shall be responsible,

Responsibility of chief financial officer

- (a) for recording as to amount and source each contribution accepted after the constituency association is deregistered under subsection (2) and before a new constituency association is registered in accordance with subsection (3), but no later than the 1st day of September, 1986, and for depositing the amounts in a trust account maintained in a chartered bank, trust company or other institution in Ontario that is lawfully entitled to accept deposits and for turning over the amounts and records as to source to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their registration in accordance with subsection (3), who shall be responsible for issuing receipts therefor; and
- (b) for paying outstanding debts and expenses incurred in relation to the administration of the constituency association from funds which he or she holds in trust and for paying over any balance or charging any liability to the chief financial officer of the constituency association or associations registered in succession thereto forthwith upon its or their regis-

tration in accordance with subsection (3) in such proportions as the registered political party endorsing such association or associations determines.

Registration of constituency associations *pro tem* for general election or by-election 1986, c. 30

(5) In the event the Legislature is dissolved before the 1st day of September, 1986, or in the event a by-election is called before the day the *Representation Act, 1986* comes into force, and if all registered constituency associations have been deregistered under subsection (2), a registered party may authorize the registration with the Commission of constituency associations or of a particular constituency association *pro tem* for the purposes of the general election following the dissolution of the Legislature or for the purposes of the by-election and any such constituency associations or association have or has all the powers and responsibilities of a registered constituency association under this Act.

Deregistration of parties and constituency associations, on application

**13.—(1)** The Commission may deregister,

- (a) a registered party on an application therefor by the registered party; or
- (b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

For non-compliance with certain provisions of Act

**(2)** The Commission may deregister,

- (a) a registered party where no registered constituency association of that party nominates a candidate at a general election or where the registered party fails to comply with subsection 10 (6), 34 (3) or 45 (3) or where the chief financial officer of the political party fails to comply with section 42 or 43; or
- (b) a registered constituency association where the constituency association fails to comply with subsection 11 (4), 34 (3) or 45 (3) or where the chief financial officer of the constituency association fails to comply with section 42 or 43.

Notice of proposal to deregister party or association

**(3)** Where under subsection (2) the Commission proposes to deregister,

- (a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or
- (b) a constituency association, it shall send by registered mail notice of its proposal with written rea-

sons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection (3) an opportunity to make representation to the Commission and following a review of the proposal the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall,

Review

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered.

Party and  
associations  
thereof  
deregistered

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43 or subsection 45 (3), it may not apply for registration until the financial statements as required by section 42 or 43 or subsection 45 (3), together with the auditor's report thereon as required by subsection 41 (4), that were not filed have been filed with the Commission.

Reregistra-  
tion

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Disposition  
of funds  
upon  
deregistra-  
tion

(8) Where a registered party or a registered constituency association applies to the Commission for deregistration under

Duty of chief  
financial  
officer



subsection (1), the chief financial officer of the registered party or constituency association shall, at the same time, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which he or she acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the last day upon which any financial activity of the political party or the constituency association, as the case may be, has occurred, together with the auditor's report thereon as required by subsection 41 (4).

Registration  
of candidate

**14.—(1)** Every candidate shall, prior to the polling day, file with the Commission an application for registration under this Act.

Idem

(2) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsections 10 (1) and 11 (1), no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election or for an election campaign of such person unless such person is a candidate registered under this Act.

Application  
for  
registration

(3) The Commission shall maintain a register of candidates in relation to each election and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

(a) that the candidate,

1984, c. 54

- (i) has been duly nominated in accordance with the *Election Act, 1984* by filing nomination papers with the returning officer in an electoral district following the issue of a writ of election, together with the name of the electoral district,
- (ii) has not been so nominated in accordance with the *Election Act, 1984* but has been nominated by a constituency association registered under this Act and has enclosed with the application a statement to that effect by the chief financial officer of the constituency association, together with the name of the constituency association and the electoral district, or
- (iii) has not been so nominated in accordance with the *Election Act, 1984* but, after the issue of a



writ for an election in an electoral district, has declared as an independent candidate at the election in that electoral district, together with the name of the electoral district;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places in Ontario where records of the candidate are maintained and of the place in Ontario to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and
- (h) the names of the persons responsible for each depository referred to in clause (g).

(4) A candidate who files an application under subsection (3),

Effective date of registration

- (a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and
- (b) after the issue of a writ for an election shall be deemed to be registered on the day of filing.

(5) An application under subsection (3) may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the day it is mailed.

Mailing of application deemed filing

(6) Where a registered candidate withdraws his or her candidacy prior to polling day or fails to file nomination papers with the returning officer under the *Election Act, 1984* or dies prior to polling day, the campaign period with respect to that candidate is deemed to expire on the day of the withdrawal of the candidacy, on nomination day or on the day of his or her

Where candidate withdraws, etc.  
1984, c. 54

death, whichever first occurs, and the chief financial officer for that candidate shall file with the Commission the statement referred to in section 43 within sixty days after the expiration of the campaign period with respect to that candidate.

Registration  
of leadership  
contestant

**15.—**(1) No person and no person, corporation or trade union acting on behalf of that person and no political party or association or organization thereof acting on behalf of that person shall accept contributions for the candidacy of that person for the leadership of a registered party or for a leadership campaign of that person unless that person is a leadership contestant registered under this Act.

Notice of  
leadership  
convention

(2) A registered political party that proposes to hold a leadership convention shall file with the Commission a statement setting forth the date of the official call of the leadership convention and the date fixed for the leadership vote.

Application  
for  
registration

(3) The Commission shall maintain a register of leadership contestants in relation to each leadership convention and, subject to this section, shall register therein any leadership contestant that files an application for registration with the Commission setting out,

- (a) the full name of the leadership contestant;
- (b) the address of the place or places in Ontario where records of the leadership contestant are maintained and of the place in Ontario to which communications may be addressed;
- (c) the names of the principal officers, including the chief financial officer and auditor, of the leadership contestant;
- (d) the names of all persons authorized by the leadership contestant to accept contributions;
- (e) the name and address of every chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits to be used by or on behalf of the leadership contestant as the depositories for all contributions made to that leadership contestant;
- (f) the names of the persons responsible for each depository referred to in clause (e); and
- (g) the certification of the registered party that the leadership contestant has met the constitutional

requirements of that party for eligibility to contest the leadership of that party.

(4) An application under subsection (3) shall not be filed with the Commission prior to the date of the official call of the leadership convention and unless the registered party that proposes to hold such leadership convention has filed with the Commission the statement referred to in subsection (2).

Time for filing application

(5) A leadership contestant who files an application under subsection (3) shall be deemed to be registered on the day of filing.

Deemed registered on day of filing

**16.—**(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Inspection of information on file with Commission

(2) Any person may take extracts from the documents referred to in subsection (1) and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

Extracts

(3) No person, corporation or trade union shall use any of the information contained in any document filed with the Commission for purposes of commercial solicitation.

Not to be used for commercial solicitation

CONTRIBUTIONS

**17.—**(1) Contributions to political parties, constituency associations, candidates and leadership contestants registered under this Act may be made only by persons individually, corporations and trade unions.

Contributors and how contributions to be made

(2) Moneys contributed to political parties, constituency associations, candidates or leadership contestants registered under this Act in amounts in excess of \$25 shall be made only by,

How contributions of money to be made

- (a) a cheque having the name of the contributor legibly printed thereon and drawn on an account in the contributor's name;
- (b) a money order signed by the contributor; or
- (c) in the case of moneys contributed by an individual, the use of a credit card having the name of the individual contributor imprinted or embossed thereon.

Depositing of  
contributions

(3) All moneys accepted by or on behalf of a political party, constituency association, candidate or leadership contestant registered under this Act shall be paid into the appropriate depository on record with the Commission.

Return of  
contributions  
made in  
contravention  
of Act

**18.**—(1) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association, candidate or leadership contestant for whom he or she acts was made or received in contravention of any provision of this Act, the chief financial officer shall, within thirty days after learning that the contribution was made contrary to this Act and upon obtaining the contributor's copy of the receipt issued under section 26 in respect of that contribution, return the contribution or an amount equal to the sum contributed.

Anonymous,  
etc., contri-  
butions

(2) Any contribution not returned to the contributor in accordance with subsection (1) or any anonymous contribution received by a political party, constituency association, candidate or leadership contestant registered under this Act shall not be used or expended, but shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Limitation on  
contributions

**19.**—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses (a) and (b) and shall not exceed,

(a) in any year,

(i) \$4,000 to each registered party, and

(ii) \$750 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$3,000 to constituency associations of each registered party; and

(b) in any campaign period in addition to contributions authorized under clause (a),

(i) \$4,000 in relation to the election in such period to each registered party, and

(ii) \$750 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an

aggregate of \$3,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause (1) (b). By-elections

(3) Any moneys used for a political campaign by a registered candidate out of the candidate's own funds shall be considered to be a contribution for the purposes of this Act and every registered candidate shall submit to the candidate's chief financial officer a statement in writing setting forth all campaign expenses paid or to be paid out of the candidate's own funds, together with all receipts and claims therefor, within three months after polling day. Candidate's funds considered contribution

**20.**—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association, candidate or leadership contestant registered under this Act funds not actually belonging to the person, corporation or trade union or any funds that have been given or furnished by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof. Contributor to contribute only funds belonging to contributor

(2) No political party, constituency association, candidate or leadership contestant registered under this Act, and no person on its, his or her behalf shall solicit or knowingly accept any contribution contrary to subsection (1). Prohibition to accept contributions contrary to subs. (1)

**21.** No political party, constituency association, candidate or leadership contestant registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission. Funds from federal parties  
1973-74, c. 51 (Can.)

**22.**—(1) The value of goods and services, other than those that are not contributions by reason of the definition of "contribution" in subsection 1 (1), provided to a political party, constituency association, candidate or leadership contestant registered under this Act shall be, Value of goods and services

- (a) where the contributor is in the business of supplying such goods or services, the lowest amount charged by the contributor for an equivalent amount of similar goods and services at or about the time and in the market area in which the goods or services are provided; and
- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided.

Amounts of \$100 or less may be considered not a contribution

(2) The provision of goods or services to a political party, constituency association, candidate or leadership contestant registered under this Act in any year, excluding any campaign period or part thereof in that year, or in any campaign period, having a value, in the aggregate, of \$100 or less may, at the option of the person, corporation or trade union providing such goods or services, be considered not to be a contribution for the purposes of this Act.

Where goods or services provided for price less than value determined under subs. (1)

(3) Where goods or services are provided to a political party, constituency association, candidate or leadership contestant registered under this Act for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value shall, subject to subsection (2), be a contribution for the purposes of this Act.

Advertising as contribution

**23.**—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered political party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publications or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

- (a) in the case of any single such political advertisement is more than \$100; and
- (b) in the case of any such political advertisements from a single source broadcast or published in any year, excluding any campaign period or part thereof in



that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered to be a contribution and, if done during the relevant period, a campaign expense for the purposes of this Act to the political party or candidate with whose knowledge and consent the political advertising was done.

(2) Notwithstanding subsection (1), where political advertising is provided on the facilities of any broadcasting undertaking without charge to registered political parties or to registered candidates in a particular electoral district in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith, such political broadcasts shall not be considered to be a contribution or an election expense for the purposes of this Act to such political parties or candidates.

Where not considered to be a contribution

R.S.C. 1970, c. B-11

(3) No person, corporation, trade union or registered political party or constituency association shall cause any political advertisement to be broadcast on the facilities of any broadcasting undertaking or published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he, she or it furnishes to the broadcaster or publisher of the political advertisement his, hers or its identification in writing, together with the identification, in writing, of any person, corporation or trade union or registered political party or constituency association sponsoring the political advertisement.

Identification

(4) Any broadcaster who broadcasts or any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of the broadcast or publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to the broadcaster or publisher in connection therewith and shall permit the public to inspect such records during normal office hours.

Records

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the person, corporation or trade union authorizing the political advertising.

Reference to person, etc., authorizing advertising

(6) For the purposes of this section, "political advertisement" and "political advertising" means any matter promoting or opposing any registered political party or the election of any registered candidate for which a fee is paid, but does not include any *bona fide* news reporting.

Definition



Fund-  
raising  
events

**24.**—(1) In this section, “fund-raising function” includes events or activities held for the purpose of raising funds for the political party, constituency association, candidate or leadership contestant registered under this Act by whom or on whose behalf the function is held.

Income  
to be  
reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association, candidate or leadership contestant registered under this Act that held or on whose behalf the function was held.

Where  
charge  
may be  
considered  
not a  
contribution

(3) Where a charge by the sale of tickets or otherwise is made for a fund-raising function, all or any portion of such charge, up to a maximum of \$25, may, at the option of the registered party, constituency association, candidate or leadership contestant by whom or on whose behalf the function was held, be considered not to be a contribution for the purposes of this Act.

Where  
amounts  
to be  
considered  
contribution

(4) Any amount paid for goods or services offered for sale at a fund-raising function in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this Act.

Collection  
of moneys at  
meetings

**25.** Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$10 and the amounts so given shall be considered not to be contributions for the purposes of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be.

Receipts

**26.** Every political party, constituency association, candidate or leadership contestant registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

Group  
contributions

**27.**—(1) Any contribution to a political party, constituency association, candidate or leadership contestant registered under this Act made through any unincorporated association or organization, except a trade union or an affiliated political

organization in accordance with subsection (3), shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

Application of Act to amounts making up contribution

(3) An affiliated political organization may make a contribution in any year to the political party or any constituency association with which it is affiliated as if it were a person for the purposes of clause 19 (1) (a).

Contribution by affiliated political organization

(4) For the purposes of this section, "affiliated political organization" means any political organization that is affiliated with and endorsed by a political party or one or more constituency associations registered under this Act.

Definition

**28.** A registered party and any of its constituency associations or official candidates registered under this Act may transfer or accept funds, goods and services to or from each other and all such funds, goods, other than goods held in inventory for any candidate for use during a campaign period, and services accepted by such political party, constituency association or candidate shall be considered not to be contributions or campaign expenses for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

Transfer of funds, etc., among parties, constituency associations and candidates

**29.** No political party, constituency association or candidate registered under this Act and no person on its or his or her behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Parties, etc., not to receive contributions in excess of limitations

**30.—(1)** No political party, constituency association, candidate or leadership contestant registered under this Act shall directly or indirectly,

Contributions prohibited from outside Ontario and to persons, etc., outside Ontario

- (a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or
- (b) contribute or transfer funds to any political party, constituency association, candidate or leadership contestant not registered under this Act, including a

1973-74,  
c. 14 (Can.)

R.S.O. 1980,  
c. 308

1973-74,  
c. 51 (Can.)

federal political party registered under the *Canada Elections Act*, any federal constituency association or candidate at a federal election endorsed by such federal political party and any candidate at a municipal election under the *Municipal Elections Act*, except that "during an election" as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal political party.

No transfer  
of funds  
from  
constituency  
association  
to leadership  
contestant

Annual  
membership  
fees

(2) No constituency association registered under this Act shall directly or indirectly contribute or transfer funds to any leadership contestant registered under this Act.

**31.** An annual membership fee paid for membership in a political party or in a constituency association of such party or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$25 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

Trade  
unions  
check-off

**32.** Contributions of not more than 15 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union.

Who may  
accept  
contributions  
for candidate  
or leadership  
contestant

**33.** No contribution shall be accepted by a registered candidate or registered leadership contestant otherwise than through his or her chief financial officer or other person on record with the Commission as authorized to accept contributions.

Chief  
financial  
officer,  
of party or  
association

**34.—**(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, shall appoint a chief financial officer.

(2) Every candidate and every leadership contestant who is applying for registration under this Act, before filing his or her application with the Commission, shall appoint a chief financial officer.

of candidate  
or leadership  
contestant

(3) Where the chief financial officer of a political party, constituency association, candidate or leadership contestant, ceases for any reason to hold office as such, the political party, constituency association, candidate or leadership contestant, as the case may be, shall forthwith appoint another chief financial officer and shall immediately give notice in writing to the Commission of the name of the new chief financial officer.

Appointment  
of new chief  
financial  
officer

(4) The chief financial officer of a political party, constituency association, candidate and leadership contestant registered under this Act in relation to the affairs of the party, constituency association, candidate or leadership contestant who appointed him or her shall be responsible for ensuring that.

Responsi-  
bilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;
- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42, 43 and 45 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act.

**35.—**(1) Where any person acting on behalf of,

Recording of  
contributions

- (a) a political party or a constituency association registered under this Act, accepts in any year, excluding any campaign period or part thereof in that year, or in any campaign period;
- (b) a candidate registered under this Act, accepts in any campaign period; or
- (c) a leadership contestant registered under this Act, accepts in any leadership contest period,

a single contribution in excess of \$25 or contributions from a single source that in the aggregate exceed \$25, the chief financial officer of such political party, constituency association, candidate or leadership contestant, as the case may be, shall record all such contributions and, in the case of a single contribution in excess of \$100 or contributions from a single source that in the aggregate exceed \$100, the name and address of the contributor.

Separate  
recording of  
contributions

(2) All contributions referred to in subsection (1) accepted on behalf of a political party or a constituency association registered under this Act in any year, excluding any campaign period or part thereof in that year, shall be recorded separately from all contributions accepted on behalf of that political party or constituency association in any campaign period.

#### BORROWING

Borrowing  
by parties,  
etc.

**36.**—(1) A political party, constituency association, candidate or leadership contestant registered under this Act may borrow from any chartered bank or other recognized lending institution in Ontario, provided that all such loans and the terms thereof, including the name of any guarantor thereof, are recorded by the political party, constituency association, candidate or leadership contestant and reported to the Commission.

Limitation

(2) No political party, constituency association, candidate or leadership contestant registered under this Act shall receive any support in the form of a loan from any person, corporation, trade union, or unincorporated association or organization, other than from a registered party, a registered constituency association, or a chartered bank or other recognized lending institution as provided in subsection (1).

#### LOANS

Guarantee  
of loans  
to parties,  
etc.,  
prohibited

**37.**—(1) Subject to subsection (2), no person, corporation, trade union, unincorporated association or organization shall make, or sign, co-sign or provide collateral security for any loan, monetary obligation or indebtedness for or on behalf of any political party, constituency association, candidate or leadership contestant registered under this Act.

Exception

(2) Any person, corporation or trade union who is eligible to make a contribution under this Act may guarantee any loan referred to in subsection 36 (1).

When  
guarantee  
considered  
contribution

(3) Any guarantee or any payment made by a guarantor in respect of a loan referred to in subsection 36 (1) shall not be



considered to be a contribution for the purposes of this Act, provided that, where the guarantor forgives or waives all or any part of the borrower's indebtedness that has been guaranteed, the amount so forgiven or waived shall be considered to be a contribution for the purposes of this Act and may be forgiven or waived only to the extent permitted under section 19.

#### CAMPAIGN ADVERTISING

**38.**—(1) No political party, constituency association or candidate registered under this Act and no person, corporation or trade union acting with its, his or her knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of  
campaign  
advertising  
limited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

(2) Subsection (1) does not apply to,

Exceptions

- (a) advertising of public meetings in constituencies;
- (b) announcing candidate or constituency headquarters' locations;
- (c) advertising for volunteer campaign workers;
- (d) announcing services for electors by candidates or constituency associations respecting enumeration and revision of lists of electors;
- (e) announcing services for electors on polling day; or
- (f) any other matter respecting administrative functions of constituency associations,

providing that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission.

Extension of  
period of  
campaign  
advertising

(3) Nothing contained in subsection (1) prohibits the procuring for publication, causing to be published or consenting to the publication of,

- (a) an advertisement referred to therein on the day immediately preceding polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day immediately preceding polling day;
- (b) an advertisement referred to therein on the day immediately preceding polling day and on polling day through the use of any commercial billboard advertising facility; or
- (c) *bona fide* news reporting during the period referred to therein,

R.S.C. 1970,  
c. B-11

or prohibits the broadcasting on the facilities of a broadcasting undertaking of *bona fide* news reporting in accordance with the provisions of the *Broadcasting Act* (Canada), the regulations thereunder and Guides published in accordance therewith during the period referred to therein.

Rates to be  
charged to  
parties,  
constituency  
associations  
and  
candidates  
for  
broadcast-  
ing time and  
advertising  
space

(4) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its, his or her knowledge and consent, a rate for an advertisement in a periodical publication published or distributed and made public in the period referred to in clause (a) that exceeds the lowest rate charged by the person or corporation for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or distributed and made public in that period.



## CAMPAIGN EXPENSES

**39.**—(1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party during any campaign period shall not exceed the aggregate amount determined by multiplying 40 cents by, Limitation on campaign expenses, of political party

(a) in relation to a general election, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the electoral districts in which there is an official candidate of that party; and 1984, c. 54

(b) in relation to a by-election in an electoral district, the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in that electoral district.

(2) The total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate or constituency association during any campaign period shall not exceed the amount that is the aggregate of \$2 for each of the first 15,000 of the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984*, in the candidate's electoral district and \$1 for each of the number of such electors in excess of 15,000 but not exceeding 25,000, and \$0.25 for each of the number of such electors in excess of 25,000. of candidate and constituency association

(3) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (2) shall be increased by \$5,000. Increase for certain candidates  
1986, c. 30

(4) Where the total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of that party exceed the amount determined under subsection (1) or where the total campaign expenses incurred by a registered candidate, the constituency association endorsing that candidate and any person, corporation, trade union, unincorporated association or organization acting on behalf of that candidate exceed the amount determined under subsection (2), the amount of the subsidy, if any, payable to the political party's chief financial officer under subsection 46 (6) or to the candidate's chief financial officer under subsection 46 (1), as Reduction of subsidy

the case may be, shall be reduced by an amount equal to such excess.

Approval  
of chief  
financial  
officer

(5) No constituency association shall incur campaign expenses in an aggregate amount in excess of the amount that has been previously approved in writing by the chief financial officer of the candidate endorsed by that constituency association.

Time for  
submission  
of payment  
claims

(6) Every person, corporation or trade union who has any claim for payment in relation to a campaign expense shall submit such claim within three months after polling day to the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense.

Payment of  
expenses by  
chief  
financial  
officer

(7) Every payment of a campaign expense shall be made by the chief financial officer of the registered party, constituency association or candidate that incurred the campaign expense and, except where the campaign expense is less than \$25, such campaign expense shall be vouched for by a statement setting forth the particulars and proof of payment.

Disputed  
claims

(8) Where the chief financial officer of a registered party, constituency association or candidate disputes or refuses to pay any claim for payment in relation to a campaign expense, such claim shall be considered to be a disputed claim and the claimant may bring an action for payment in any court of competent jurisdiction.

#### FOUNDATION

Establish-  
ment of  
foundation

**40.**—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and.

1980-81,  
c. 40 (Can.)

R.S.O. 1980,  
cc. 249, 512

(a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under the *Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by the *Trustee Act*;

(b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the

income from investments referred to in clause (a);  
and

- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

Foundation  
funds not  
contributions

(3) Subsection (1) does not apply, and shall be deemed never to have applied, to a political party whose assets, at the time of application for registration under this Act, consist only of the premises, equipment, supplies and other such property required for the administration of the affairs of the political party.

Application

#### AUDITORS

**41.**—(1) Every candidate and leadership contestant at the time of appointment of his or her chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm.

Appointment  
of auditor

R.S.O. 1980,  
c. 405

(2) Where an auditor appointed under subsection (1) ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection (1) or becomes ineligible as provided in subsection (3), the candidate, leadership contestant, political party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under the *Public Accountancy Act* or a firm whose partners resident in Ontario are licensed under that Act and shall forthwith advise the Commission of the name and address of such auditor or firm.

Idem

(3) No returning officer, deputy returning officer or election clerk and no candidate, or leadership contestant, or chief financial officer of a candidate or leadership contestant, or chief financial officer of a registered party or constituency association shall act as the auditor for the candidate, leadership contestant, registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an

Persons not  
eligible

auditor for a candidate or registered party or constituency association or leadership contestant.

Auditor's  
report

(4) The auditor appointed under subsection (1) or (2) shall make a report to the chief financial officer of the candidate, leadership contestant, political party or constituency association that appointed the auditor in respect of the financial statements, as required by sections 42, 43 and 45 and shall make such examination of the financial statements and supporting documentation as is necessary to enable the auditor to report thereon in accordance with generally accepted auditing standards.

Where  
statement  
required

(5) An auditor, in the report under subsection (4), shall make such statements as the auditor considers necessary in any case where,

- (a) the auditor has not received from the chief financial officer all the information and explanation that he or she has required; or
- (b) proper accounting records have not been kept by the chief financial officer so far as appears from the auditor's examination.

Right of  
access

(6) An auditor appointed under subsection (1) or (2) shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, leadership contestant, political party or constituency association that appointed the auditor and is entitled to require from the chief financial officer such information and explanation as in the auditor's opinion may be necessary to enable the auditor to report as required by subsection (4).

Auditor's  
subsidy

(7) The Commission shall subsidize the cost of auditors' services for constituency associations, candidates and leadership contestants by paying,

- (a) to the auditor of each constituency association in respect of an audit for the association under sections 42, 43 and 45, the lesser of \$400 and the amount of the auditor's account to the association;
- (b) to the auditor of a candidate in respect of an audit for the candidate under sections 43 and 45, the lesser of \$800 and the amount of the auditor's account to the candidate; and
- (c) to the auditor of a leadership contestant in respect of an audit for the leadership contestant under sec-

tions 43 and 45, the lesser of \$600 and the amount of the auditor's account to the leadership contestant.

#### FINANCIAL STATEMENTS

**42.** The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in each year, file with the Commission a financial statement,

Annual  
filing of  
financial  
statement  
and report

- (a) of assets and liabilities as at the end of the previous year;
- (b) of income and expenses for the previous year, excluding, in the case of a political party, the income and expenses relating to an election received or incurred in a campaign period and, in the case of a constituency association, all income and expenses received or incurred in a campaign period; and
- (c) setting out all the information required to be recorded under subsection 35 (1) for the previous year, excluding such information that relates to a campaign period,

of the political party or constituency association for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

**43.—**(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement,

Filing of  
financial  
statement  
relating to  
campaign  
period

- (a) in the case of a political party, of the income and expenses relating to the election received or incurred in the campaign period and in the case of a constituency association or candidate, of all income and expenses received or incurred in the campaign period;
- (b) of all campaign expenses, paid and outstanding, incurred in a campaign period and a statement of all disputed claims; and
- (c) setting out all the information required to be recorded under subsection 35 (1) that relates to the campaign period,

of the political party, constituency association or candidate for which the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

By-elections

(2) In relation to a by-election, subsection (1) applies only to registered political parties and constituency associations that received contributions or made expenditures in relation to such by-election, and to registered candidates at such by-election.

Where  
general  
election  
called

(3) Where writs for a general election are issued during a campaign period relating to a by-election, the campaign period relating to such by-election shall, for the purposes of subsection (1), be deemed to have terminated on the day before the day the writs for the general election were issued and the financial statements referred to in subsection (1) shall be filed with the Commission within three months after the deemed termination of the campaign period.

Filing of  
financial  
statement  
relating to  
leadership  
contest

(4) The chief financial officer of every leadership contestant registered under this Act shall, within six months after the date of the leadership vote, file with the Commission a financial statement,

- (a) of all income and expenses received or incurred in a leadership contest period; and
- (b) setting out all the information required to be recorded under subsection 35 (1), of the leadership contestant for whom the chief financial officer acts, together with the auditor's report thereon as required by subsection 41 (4).

Surplus

(5) Where the leadership contestant's financial statement shows a surplus, such surplus shall be forthwith paid over to the registered party, the leadership of which the leadership contestant was contesting.

Failure of  
candidate  
or leadership  
contestant  
not elected  
to file  
statement  
and report

**44.—**(1) Where the chief financial officer of a registered candidate or leadership contestant who is not declared elected fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4), the candidate or leadership contestant, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or she or the chief financial officer has filed such financial statement and the auditor's report thereon with the Commission.

Vacation  
of seat

(2) Where,



- (a) in the case of a registered candidate who is elected as a member of the Assembly, the total campaign expenses incurred by the member during the campaign period relating to the election at which the candidate was elected exceeds the amount determined under subsection 39 (2); or
- (b) in the case of a registered candidate or registered leadership contestant who is elected or sitting as a member of the Assembly, the chief financial officer of the member fails to file a financial statement as required by section 43, together with the auditor's report thereon as required by subsection 41 (4),

the Commission shall notify the Speaker who shall inform the Assembly and, if the Assembly finds no mitigating reason for non-compliance, the member shall forthwith vacate his seat and, in addition, the member is liable to any other penalty that may be imposed under any Act.

- (3) Where a member is required to vacate his or her seat, Speaker's  
warrant

- (a) under clause (2) (a); or
- (b) under clause (2) (b), unless the member or his or her chief financial officer files a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly of the non-compliance under subsection (2),

the Speaker shall address a warrant under the hand and seal of the Speaker to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall be issued accordingly.

**45.**—(1) Where the chief financial officer of a registered political party or constituency association ceases for any reason, other than death or incapacity, to hold office as such, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission financial statements of assets and liabilities and of income and expenses of the political party or constituency association, as the case may be, for which the chief financial officer acted for the period commencing with the day immediately following the most recent period for which a financial statement has been filed with the Commission under section 42 or this section and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4). Where chief  
financial  
officer ceases  
to hold office



Idem

(2) Where the chief financial officer of a registered candidate or leadership contestant ceases for any reason, other than death or incapacity, to hold office as such during a campaign period or leadership contest period, as the case may be, the chief financial officer shall, within forty-five days following the day on which he or she ceased to hold office, file with the Commission a financial statement of income and expenses of the candidate or leadership contestant for whom the chief financial officer acted for the period commencing with the later of the day of his or her appointment and the day the candidate or leadership contestant became registered with the Commission and ending on the day on which he or she ceased to hold office, together with the auditor's report thereon as required by subsection 41 (4).

Where  
financial  
statements  
not filed

(3) Where, for any reason, the chief financial officer fails to file the financial statements required by subsection (1) or (2), or where the chief financial officer has died or become incapacitated, the political party, constituency association, candidate or leadership contestant, as the case may be, for which the chief financial officer acted shall, within sixty days following the day on which the chief financial officer ceased to hold office, file with the Commission the financial statements required by subsection (1) or (2), as the case may be, together with the auditor's report thereon as required by subsection 41 (4).

#### PUBLIC FUNDING OF CANDIDATE AND PARTY EXPENSES

Reimburse-  
ment of  
campaign  
expenses

**46.**—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of campaign expenses for the campaign period as shown on the statement of income and expenses filed with the Commission, in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), or an amount equal to 20 per cent of the maximum expenditure limit in accordance with subsection 39 (2).

Idem

1986, c. 30

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to the *Representation Act, 1986*, the amount determined under subsection (1) shall be increased by \$5,000.

No reim-  
bursement  
unless  
financial  
statement  
and report  
filed

(3) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless the candidate or his or her chief financial officer has filed the financial statements of income and expenses as required by section 43, together with

the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection (1), the moneys payable to his or her chief financial officer shall be first applied to discharge the debts creating the deficit and should any deficit remain thereafter, in the case of a candidate endorsed as the official candidate of a registered party, the deficit shall be assumed by the registered constituency association endorsing that candidate.

Moneys to be applied to discharge debts of candidate

(5) Any surplus, determined by taking into account in the financial statement of a registered candidate the moneys, if any, paid to the candidate's chief financial officer under subsection (1), shall be forthwith paid over,

Surplus in candidate's account

- (a) in the case of a candidate endorsed as the official candidate of a registered party, to that registered party or to the registered constituency association endorsing the candidate; and
- (b) in the case of an independent candidate, to the Commission.

(6) Every registered party that receives at least 15 per cent of the popular vote in any electoral district and that has filed its statement of income and expenses with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 41 (4), is entitled to be reimbursed by the Commission for the aggregate amount determined by multiplying 5 cents by the number of electors entitled to vote, as certified by the Chief Election Officer under the *Election Act, 1984* in each electoral district in which the political party received 15 per cent of the popular vote and such moneys shall be payable to the political party's chief financial officer.

Reimbursement of political party's expenses

1984, c. 54

(7) A political party is not entitled to be reimbursed for expenses under subsection (6) unless its chief financial officer has filed the financial statements required by section 43, together with the auditor's report thereon as required by subsection 41 (4), and the Commission is satisfied that such statements meet the requirements of this Act.

Filing of financial statements required

(8) In this section,

Definitions

"independent candidate" means a person referred to in clause (c) of the definition of "candidate" in subsection 1 (1);

“popular vote” means the total counted ballots cast in favour of all candidates in an electoral district and does not include any rejected, cancelled, declined or unused ballot.

#### FORMS

##### Forms

**47.** All applications, returns, statements, balance sheets and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

#### OFFENCES

##### Offence by chief financial officer

**48.—**(1) The chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act who contravenes section 42, 43 or 45 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

##### Offence by party or constituency association

(2) Where any contravention of this Act that is an offence by virtue of subsection (1) is committed by a chief financial officer of a political party, constituency association, candidate or leadership contestant registered under this Act, the political party, constituency association, candidate or leadership contestant for which the chief financial officer acts is guilty of an offence and on conviction is liable,

- (a) in the case of a registered party, to a fine of not more than \$2,000; and
- (b) in the case of a registered constituency association, registered candidate or registered leadership contestant, to a fine of not more than \$1,000.

##### Offence by corporation or union

**49.** Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

##### General offence

**50.** Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

##### Offence for obstructing investigation

**51.** No person shall obstruct a person making an investigation or examination under this Act or withhold from him or her or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

**52.** No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act.

Offence  
for false  
statement

**53.** No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

Offence  
for false  
information

**54.—**(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person.

Style of  
prosecution  
of party,  
constituency  
association  
or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his or her authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union.

Vicarious  
responsi-  
bility

**55.** No prosecution shall be instituted under this Act without the consent of the Commission and no prosecution shall be instituted more than one year after the facts upon which the prosecution is based first came to the knowledge of the Commission.

Consent of  
Commission  
and  
limitation

**56.—**(1) The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

(2) Notwithstanding subsection (1), the *Election Finances Reform Act* shall be deemed to continue in force in respect of those persons registered with the Commission under that Act as candidates at a by-election for which a writ was issued prior to the day this Act receives Royal Assent.

Exception  
R.S.O. 1980,  
c. 134

#### COMPLEMENTARY AMENDMENTS

**57.** Subsection 28 (1) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “at an election of a member or members to serve in the Assembly” in the ninth and tenth lines; and
- (b) by striking out “\$4,000” in subclause (a) (iii) and inserting in lieu thereof “\$7,000”.

**58. Subsection 7 (6) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Tax credit  
for election  
contributions

1986, c. 33

(6) In respect of the aggregate amounts (the aggregate of which amounts is hereafter in this subsection referred to as “the amount contributed”) that are contributions for the purposes of the *Election Finances Act*, 1986, and that are contributed in the taxation year by an individual to registered candidates, to registered constituency associations or to registered parties, every individual resident in Ontario on the last day of the taxation year may deduct from the amount by which his or her tax payable under this Act for that taxation year calculated without reference to this section exceeds the amount of the deduction to which he or she is entitled under subsection (2) for the taxation year,

- (a) 75 per cent of the amount contributed if the amount contributed does not exceed \$200;
- (b) \$150 plus 50 per cent of the amount by which the amount contributed exceeds \$200 and does not exceed \$800; or
- (c) the lesser of,
  - (i) \$450 plus 33  $\frac{1}{3}$  per cent of the amount by which the amount contributed exceeds \$800 if the amount contributed exceeds \$800, and
  - (ii) \$750,

provided that payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

**59.—(1) Clauses 1 (1) (m) and (n) of the *Election Act*, 1984, being chapter 54, are repealed and the following substituted therefor:**

- (m) “registered candidate” means a candidate registered with the Commission on Election Finances under the *Election Finances Act*, 1986;
- (n) “registered party” means a political party registered with the Commission on Election Finances under the *Election Finances Act*, 1986.

1986, c. 33

(2) Subsection 19 (3) of the said Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clauses:

- (f) the determination, in consultation with the Chief Election Officer, of the total number of names on all the lists of electors for the electoral district; and
- (g) a certified statement of the total number of names on all the lists of electors as determined under clause (f) to be furnished as soon as possible to each candidate in the electoral district and to the Commission on Election Finances.

(3) Subsection 27 (9) of the said Act is amended by striking out “Commission on Election Contributions and Expenses under the *Election Finances Reform Act*” in the fourth, fifth and sixth lines and inserting in lieu thereof “Commission on Election Finances under the *Election Finances Act, 1986*”.

(4) The said Act is amended by adding thereto the following section:

**63a.** Immediately following polling day, the Chief Election Officer shall determine the number of electors that were entitled to vote in each electoral district and, as soon as possible thereafter, shall furnish a certified statement thereof to each candidate in the electoral district and to the Commission on Election Finances.

Statement by  
C.E.O. of  
number of  
electors  
entitled  
to vote

**60.**—(1) This Act, except sections 57 and 58, comes into force on the day it receives Royal Assent.

Commence-  
ment and  
application

(2) Section 57 shall be deemed to have come into force on the 1st day of January, 1986, and applies to corporations in respect of amounts contributed on or after that date.

Idem

(3) Section 58 shall be deemed to have come into force on the 1st day of January, 1986, and applies to the 1986 and subsequent taxation years.

Idem

(4) Notwithstanding subsection (1) of this section, the definition of “trade union” in subsection 1 (1), subsection 1 (2), subsection 17 (2), clause 19 (1) (a), subsection 22 (2), subsections 24 (3) and (4), section 25, subsections 27 (1), (3) and (4), sections 31 and 32 and subsection 35 (1) apply in respect of the whole of the 1986 and each subsequent calendar year.

Application

(5) Notwithstanding subsection (1) of this section, the definition of “campaign period” in subsection 1 (1), clause

Idem



4 (1) (k), subsection 4 (3), clause 19 (1) (b), subsection 19 (3), subsections 38 (2) and (3), sections 39 and 43, subsections 44 (1), (2) and (3) and section 46 apply in respect of a general election or by-election, as the case may be, the writ for which was issued after the day this Act receives Royal Assent.

Idem

(6) Notwithstanding subsection (1) of this section, subsection 41 (7) applies in respect of audited statements the last day for the filing of which under this Act occurs after the day this Act receives Royal Assent.

Short title

**61.** The short title of this Act is the *Election Finances Act, 1986*.



## CHAPTER 34

### An Act to amend the Health Disciplines Act

*Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 73 of the *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (ma) requiring members to establish and maintain records of nursing services provided by them, prescribing the information that must be entered by members in nursing records maintained by them, prescribing classes of records of nursing services, prescribing periods of time for or circumstances in which members must retain specified classes of nursing records, specifying when and to whom members must deliver records of nursing services and governing custody of and access to specified classes of nursing records maintained by members.

**2.—(1)** Section 82 of the said Act is repealed and the following substituted therefor:

**82.—(1)** The Discipline Committee shall be composed of, Discipline  
Committee

- (a) twelve persons who are members of the College; and
- (b) twelve persons who are members of the Council, of whom four shall be persons appointed to the Council by the Lieutenant Governor in Council.

(2) The Council shall appoint one of the members of the Chairman  
Discipline Committee to be chairman.

(3) The chairman of the Discipline Committee may assign a Panels  
panel of five members of the Committee to hold a hearing, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Chairman  
of panel

(4) Every panel of the Discipline Committee shall be chaired either by the chairman of the Discipline Committee or by a member of the Discipline Committee designated by the chairman.

Disability  
of appointed  
member

(5) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding the member's absence.

Quorum

(6) Three members of a panel assigned under subsection (3), of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing, but in the event of a tie vote, the chairman shall have a second or casting vote.

Reference  
by Council  
or Executive  
Committee

(7) Notwithstanding section 81, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Transitional

(2) Where a proceeding was commenced before the Discipline Committee before the coming into force of subsection (1), section 82 of the said Act as it existed immediately before the coming into force of subsection (1), continues to apply in respect of the proceeding and, for the purpose, subsection (1) shall be deemed not to have come into force.

**3.** The said Act is amended by adding thereto the following section:

Investigation  
of members

**84a.**—(1) Where the Director believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the Director may, with the approval of the Executive Committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of the investigation to the Director.

Powers of  
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of proof of his or her appointment, enter at any reasonable time the premises where the member is providing or has provided nursing services and examine books, records, documents and things relevant to the subject-

matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980,  
c. 411

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from the person or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Obstruction  
of  
investigator

(4) Where a justice of the peace is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the justice of the peace may, whether or not an inspection has been made or attempted under subsection (2), issue an order authorizing the person making the investigation, together with such police officer or officers as the person calls upon for assistance, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the justice of the peace, by the order, authorizes the person making the investigation to make the search at night.

Search  
warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection (2) or (4) relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Removal of  
books, etc.

(6) Any copy made as provided in subsection (5) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Admissibility  
of copies

(7) The Director shall report the results of the investigation to the Council or the Executive Committee or to such other committee as the Director considers appropriate.

Report  
of the  
Director

**4. The said Act is further amended by adding thereto the following section:**

Matters  
confidential

**86a.**—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 84a, and any member of the Council or a committee, shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, inquiry or investigation under section 84a and shall not communicate any such matters to any other person except,

(a) in connection with,

(i) the administration of this Act and the regulations under this Act,

(ii) the administration of any Part of this Act and the regulations and by-laws under any Part of this Act, or

(iii) any proceedings under this Act or any Part of this Act or the regulations under this Act or any Part of this Act;

(b) as may be required for the enforcement of the *Health Insurance Act*;

(c) to his or her counsel; or

(d) with the consent of the person to whom the information relates.

R.S.O. 1980,  
c. 197

Evidence  
in civil  
suit

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any proceeding with regard to information the person has obtained in the course of his or her duties, employment, inquiry or investigation except in a proceeding under this Act or any Part of this Act or any regulation or by-law under this Act or any Part of this Act.

**5. Section 88 of the said Act is amended by adding thereto the following subsection:**

Idem

(3) Every person who obstructs a person appointed to make an investigation under section 84a in the course of his or her duties is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.

6. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

7. The short title of this Act is the *Health Disciplines Amendment Act, 1986*. Short title

## CHAPTER 35

**An Act to amend the Family Law Act, 1986***Assented to July 10th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause (c) of the definition of “property” in subsection 4 (1) of the *Family Law Act, 1986*, being chapter 4, is repealed and the following substituted therefor:**

- (c) in the case of a spouse's rights under a pension plan that have vested, the spouse's interest in the plan including contributions made by other persons.

**(2) Paragraph 4 of subsection 4 (2) of the said Act is repealed and the following substituted therefor:**

- 4. Proceeds or a right to proceeds of a policy of life insurance, as defined in the *Insurance Act*, that are payable on the death of the life insured.

R.S.O. 1980,  
c. 218

**2.—(1) Subsection 6 (6) of the said Act is repealed and the following substituted therefor:**

Insurance,  
etc.

- (6) Where a surviving spouse,

- (a) is the beneficiary,

- (i) of a policy of life insurance, as defined in the *Insurance Act*, that was taken out on the life of the deceased spouse and owned by the deceased spouse or was taken out on the lives of a group of which he or she was a member, or

- (ii) of a lump sum payment provided under a pension or similar plan on the death of the deceased spouse; and

- (b) elects or has elected to receive the entitlement under section 5,

## CHAPITRE 35

**Loi modifiant la  
Loi de 1986 sur le droit de la famille**

*Sanctionnée le 10 juillet 1986*

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** (1) L'alinéa c) de la définition du terme «bien» au paragraphe 4 (1) de la *Loi de 1986 sur le droit de la famille*, qui constitue le chapitre 4, est abrogé et remplacé par ce qui suit :

- c) dans le cas du droit du conjoint, en vertu d'un régime de retraite, qui a été acquis, le droit du conjoint y compris les contributions des autres personnes.

(2) La disposition 4 du paragraphe 4 (2) de la Loi est abrogée et remplacée par ce qui suit :

- 4. Les sommes dues d'une police d'assurance-vie au sens de la *Loi sur les assurances* qui sont à verser lors du décès de l'assuré, ou le droit de les recevoir.

L.R.O. 1980,  
chap. 218

**2** (1) Le paragraphe 6 (6) de la Loi est abrogé et remplacé par ce qui suit :

- (6) Si le conjoint survivant :

Assurances,  
etc.

- a) est le bénéficiaire, selon le cas :

- (i) d'une police d'assurance-vie, au sens de la *Loi sur les assurances*, qui a été souscrite sur la tête du conjoint décédé et dont ce dernier était propriétaire ou qui a été souscrite sur les têtes d'un groupe de personnes dont était membre le conjoint décédé,
- (ii) d'un versement forfaitaire, fait en vertu d'un régime de retraite, ou d'un autre régime semblable, lors du décès du conjoint décédé;



the payment under the policy or plan shall be credited against the surviving spouse's entitlement under section 5, unless a written designation by the deceased spouse provides that the surviving spouse shall receive payment under the policy or plan in addition to the entitlement under section 5.

Idem

(6a) If a surviving spouse,

- (a) elects or has elected to receive the entitlement under section 5; and
- (b) receives payment under a life insurance policy or a lump sum payment provided under a pension or similar plan that is in excess of the entitlement under section 5,

and there is no written designation by the deceased spouse described in subsection (6), the deceased spouse's personal representative may recover the excess amount from the surviving spouse.

(2) Clause 6 (8) (b) of the said Act is repealed.

(3) Subsection 6 (9) of the said Act is amended by inserting after "election" in the first line "shall be in the form prescribed by the regulations made under this Act and".

**3.** Subsections 6 (6) and (6a) of the said Act, as set out in subsection 2 (1) of this Act, apply with respect to deaths that occurred before or occur after the coming into force of this Act.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *Family Law Amendment Act, 1986*.

- b) choisit ou a choisi de jouir du droit prévu à l'article 5.

le versement fait en vertu de la police ou du régime est porté au crédit du droit du conjoint survivant prévu à l'article 5, à moins qu'une désignation écrite faite par le conjoint décédé ne prévoie que le conjoint survivant perçoit le versement en vertu de la police ou du régime outre le droit prévu à l'article 5.

(6a) Si le conjoint survivant :

Idem

- a) choisit ou a choisi de jouir du droit prévu à l'article 5;
- b) perçoit un versement fait en vertu d'une police d'assurance-vie ou un versement forfaitaire fait en vertu d'un régime de retraite ou d'un autre régime semblable qui dépasse le droit prévu à l'article 5,

et qu'il n'existe pas de désignation écrite faite par le conjoint décédé décrite au paragraphe (6), le représentant successoral du conjoint décédé peut recouvrer le montant excédentaire du conjoint survivant.

**(2) L'alinéa 6 (8) b) de la Loi est abrogé.**

**(3) Le paragraphe 6 (9) de la Loi est modifié par adjonction, après "est" à la première ligne, des mots "rédigé selon la formule prescrite par les règlements pris en application de la présente loi et".**

**3** Les paragraphes 6 (6) et (6a) de la Loi, tels qu'ils sont indiqués au paragraphe 2 (1) de la présente loi, s'appliquent relativement aux décès qui se produisent avant ou après l'entrée en vigueur de la présente loi.

**4** La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en  
vigueur

**5** Le titre abrégé de la présente loi est *Loi de 1986 modifiant la Loi sur le droit de la famille.*

Titre abrégé



## CHAPTER 36

### An Act to amalgamate Toronto General Hospital and Toronto Western Hospital

*Assented to October 29th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“Board” means the board of trustees of The Toronto Hospital;

“Corporation” means The Toronto Hospital;

“Toronto General Hospital” means the corporation named “The Trustees of the Toronto General Hospital” and also known as Toronto General Hospital.

**2.**—(1) Toronto General Hospital and Toronto Western Hospital are amalgamated and continued as a corporation without share capital under the name of The Toronto Hospital.

Amalgamation and continuation as corporation

(2) The Corporation shall be composed of its members who are those persons who from time to time comprise its Board.

Composition

**3.** The letters patent of Toronto Western Hospital are revoked on the day this Act comes into force but their revocation does not affect the property, rights, duties, licences, privileges, contracts or obligations of Toronto Western Hospital as they existed on the day this Act comes into force.

Letters patent revoked

**4.**—(1) All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed, will or other document, to be made, given or conveyed to Toronto General Hospital or Toronto Western Hospital or any of their units or to any person in trust for or for the benefit of the foregoing, shall, in so far as the same shall not have vested in possession or been carried into effect on the day this

Gifts, etc.

Act comes into force, in the absence of an expressed intention to the contrary set out in such deed, will or other document, be construed as though the same had been expressed to be made to the Corporation and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other document to the Corporation whose receipt shall be a sufficient discharge thereof.

Idem.  
to hospital  
foundation

(2) All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed, will or other document, to be made, given or conveyed to The Toronto General Hospital Foundation or Toronto Western Hospital Foundation or to any person in trust for or for the benefit of the foregoing, shall, in so far as the same shall not have vested in possession or been carried into effect on the day the foundations amalgamate, in the absence of an expressed intention to the contrary set out in such deed, will or other document, from and after such amalgamation, be construed as though the same had been expressed to be made to the amalgamated foundation and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other document to the amalgamated foundation whose receipt shall be a sufficient discharge thereof.

Transfer  
of property,  
liabilities,  
etc.

(3) The Corporation shall,

- (a) possess all the property, rights, privileges and franchises and shall be subject to all liabilities, contracts, disabilities and debts of Toronto General Hospital and Toronto Western Hospital existing on the day this Act comes into force; and
- (b) be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against Toronto General Hospital or Toronto Western Hospital before the coming into force of this Act.

Idem

(4) A conviction against or ruling, order or judgment in favour or against Toronto General Hospital or Toronto Western Hospital may be enforced by or against the Corporation.

Objects

**5.—**(1) The objects of the Corporation are,

- (a) to establish, equip, maintain, operate and conduct hospital, teaching and research facilities and provide programs of patient care and community health;
- (b) to conduct programs of education and research in the field of health in association with the University of Toronto or with other persons; and
- (c) to accept donations, gifts, legacies and bequests for use in promoting the objects of and carrying on the work of the Corporation.

(2) The Corporation shall, prior to conducting programs under clause (1) (b) with persons other than the University of Toronto, consult with the University of Toronto in the manner set out in the by-laws of the Corporation.

Prior  
consultation

**6.—**(1) The affairs of the Corporation shall be managed and controlled by a board of trustees constituted as follows:

Board of  
trustees

- 1. Three trustees appointed by the Lieutenant Governor in Council for a term of three years.
- 2. Four trustees appointed by The Governing Council of the University of Toronto for a term of three years.
- 3. Three trustees appointed by the council of The Corporation of the City of Toronto to hold office until the expiration of the term of the council that made the appointments.
- 4. At least one but not more than two representatives of The Toronto Hospital Auxiliary appointed in the manner and for the term set out in the by-laws of the Corporation.
- 5. The president of the Corporation, the president of the medical staff, the chairman and the vice-chairman of the medical advisory board.
- 6. Eleven trustees elected by the financial contributors to the Corporation as determined by by-law for a term of three years.
- 7. Such other persons as are provided for under the *Public Hospitals Act*.

R.S.O. 1980,  
c. 410

Reappointment or re-election

(2) Trustees shall serve until their successors are appointed or elected and may be reappointed or re-elected subject to any restrictions set out in the by-laws.

Staggered terms

(3) The trustees elected under paragraph 6 of subsection (1) shall be retired in rotation in accordance with the by-laws of the Corporation but at least two of such trustees shall retire each year.

Number of trustees may be altered

(4) The number of trustees elected under paragraph 6 of subsection (1) may be changed by by-law of the Corporation.

By-law to be approved

(5) No by-law of the Corporation under subsection (4) is effective unless it is passed,

- (a) by a majority of votes cast by the elected trustees; and
- (b) by a majority of votes cast by the appointed trustees,

at a meeting called for that purpose.

Confirmation of by-law

(6) A by-law passed under subsection (4), and a repeal, amendment or re-enactment thereof, unless confirmed by at least two-thirds of the votes cast at a meeting of the financial contributors to the Corporation called for that purpose, is effective only until the next annual meeting unless so confirmed by the financial contributors at such annual meeting and in that case no new by-law of the same or like substance has any effect until so confirmed at a general meeting of the financial contributors.

Persons ineligible to be trustees

(7) No member of the medical staff or employee of the Corporation and no child, parent, brother, sister or spouse of a trustee is eligible for election or appointment to the Board other than as an honorary or *ex officio* trustee.

Persons eligible to be trustees  
R.S.O. 1980,  
c. 410

(8) Notwithstanding subsection (7), or the *Public Hospitals Act*, the president, a dean of a health science faculty and the health sciences vice provost of the University of Toronto are eligible to be members of the Board.

Vacancies

(9) Vacancies on the Board shall be filled,

- (a) in the case of appointed trustees, by the body making the original appointment; and



- (b) in the case of elected trustees, by the remaining elected trustees, from persons nominated by the chairman of the Board,

and such person shall hold office for the unexpired term of the vacating member.

(10) Two-fifths of the members of the Board constitute a quorum for the transaction of business.

(11) The services of the members of the Board shall be given without remuneration, except for actual disbursements incurred in connection with the affairs of the Corporation and approved by the Board, but this subsection does not prevent an *ex officio* member of the Board from receiving a salary or other remuneration for his or her employment by or services rendered to the Corporation otherwise than as a trustee.

**7.**—(1) The members of the boards of trustees of Toronto General Hospital and Toronto Western Hospital in office immediately prior to the coming into force of this Act are the first trustees of the Corporation and shall remain in office until their successors are appointed or elected in accordance with this Act and the by-laws.

(2) Notwithstanding subsection (1), the Board may by by-law reduce the number of trustees until the Board is constituted as set out in subsection 6 (1).

**8.** Subject to the *Public Hospitals Act*, the Corporation may,

- (a) furnish, equip, alter, expand or enlarge its hospitals and establish or acquire other hospitals or similar institutions;
- (b) acquire real property that is necessary or desirable for the alteration, expansion or enlargement of its hospital, or otherwise for the purposes of the Corporation, by gift, deed or lease or, subject to the *Expropriations Act*, by expropriation;
- (c) acquire personal property that is necessary or desirable for the purposes of the Corporation by gift, purchase or lease;
- (d) sell or dispose of any real or personal property no longer required for its purposes, but the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the Corporation;

Remuneration

Transition

Number of trustees may be reduced

Powers of Corporation  
R.S.O. 1980,  
c. 410

R.S.O. 1980,  
c. 148

- (e) borrow money on the credit of the Corporation and provide security therefor on such terms and in such amounts as it may deem advisable; and
- (f) subject to any express term of a specific trust, invest and reinvest its funds in such securities as are authorized by by-law without being limited to those investments authorized for trustees under the *Trustee Act*.

R.S.O. 1980,  
c. 512

Meetings  
R.S.O. 1980,  
c. 410

**9.** Notwithstanding the *Public Hospitals Act*,

- (a) the annual meeting of the Corporation shall be held between the 1st day of April and the 1st day of October in each year on a day fixed by the Board; and
- (b) notice of the annual or any other meeting of the Corporation shall be given in the manner set out in the by-laws of the Corporation.

Proxies

**10.** The Board may by by-law permit proxy voting by the financial contributors of the Corporation in the manner set out in the by-law.

Executive  
committee

**11.—(1)** The Board may by by-law elect from among themselves an executive committee and may delegate to the executive committee any powers of the Board subject to any limitations set out in the by-law.

Other  
committees

**(2)** The Board may by by-law appoint a committee or committees and delegate to that committee or committees any of the powers of the Board as set out in the by-law.

Auditor

R.S.O. 1980,  
c. 405

**12.** The Board shall appoint a public accountant, licensed under the *Public Accountancy Act*, as auditor of the Corporation.

By-laws

R.S.O. 1980,  
c. 410

**13.** Subject to the *Public Hospitals Act*, the Board may enact by-laws for the operation and management of the affairs of the Corporation and of its hospital or any similar institution established by the Corporation.

Chairman

**14.—(1)** The Board shall elect a chairman from among its members who shall hold office for such period as may be set out in the by-law.

President,  
other  
officers

**(2)** The Board shall appoint a president and may appoint other officers.

(3) Members of the Board may be appointed under subsection (2). Board members eligible

**15.**—(1) The Board may by by-law establish voting rights and categories of persons eligible to vote at any meeting called for the purpose of electing trustees, based on financial contributions or other criteria. Financial contributors

(2) Those persons who are subscribers of Toronto General Hospital or members of Toronto Western Hospital on the day this Act comes into force continue as financial contributors to the Corporation with the same rights and privileges unless and until varied by by-law of the Corporation. Membership continued

**16.**—(1) Subject to the *Public Hospitals Act*, the Board may appoint medical staff including persons engaged in research activities on such terms and conditions as the Board considers advisable. Medical staff  
R.S.O. 1980,  
c. 410

(2) Subject to the *Public Hospitals Act*, each person who is a member of the medical staff of Toronto Western Hospital or Toronto General Hospital continues as a member of the medical staff of the Corporation for the term of the member's appointment. Transition, medical staff

**17.** The following Acts are repealed: Repeal

1. *The Toronto General Hospital Act*, being chapter 396 of the Revised Statutes of Ontario, 1937.
2. *The Toronto Western Hospital Act, 1942*, being chapter 59.
3. *The Toronto General Hospital Amendment Act, 1946*, being chapter 99.

**18.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**19.** The short title of this Act is the *Toronto Hospital Act*, Short title  
1986.



## CHAPTER 37

### An Act to amend the Compensation for Victims of Crime Act

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

**2.** Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

**3.**—(1) Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. Idem

**4.**—(1) Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.

(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

**5.—**(1) Section 26 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister.

(2) Section 26 of the said Act is further amended by adding thereto the following subsection:

Person  
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

## CHAPTER 38

**An Act to amend the  
Small Business Development Corporations Act**

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (1) (p) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 30, section 1, is repealed and the following substituted therefor:

(p) "spouse" means spouse as defined in section 29 of the *Family Law Act, 1986*.

1986, c. 4

**2.—(1)** Clause 4 (a) of the said Act is amended by striking out "*Business Corporations Act*" in the second line and inserting in lieu thereof "*Business Corporations Act, 1982*".

**(2)** Clause 4 (d) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 3, is repealed and the following substituted therefor:

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
  - (i) providing capital through the acquisition and holding of securities as permitted by this Act,
  - (ii) providing business and managerial expertise to small businesses, or
  - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a),



or, in the case of a Northern and Eastern small business development corporation, the corporation has provided at the time of registration an undertaking satisfactory to the Minister to file articles of amendment restricting the business of the corporation to assisting in the development of small business in a manner described in subclause (iii).

**3. Subsection 5 (3) of the said Act is amended by inserting after "may" in the first line "refuse to permit a payment from the trust fund established under section 8 or".**

**4. Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 5, is repealed and the following substituted therefor:**

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (c), or out of the new enterprise incentive fund as it was constituted at the date of election formerly required under this Act, each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
  - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
  - (ii) in a small business in Ontario where the grant or tax credit was paid or allowed out of the general fund, or the new enterprise fund as formerly constituted.

**5.—(1) Subsection 8 (5) of the said Act is amended by inserting after "revoked" in the second line "or surrendered,".**

(2) Subsection 8 (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 3, section 6, is amended by striking out "clause (2) (b)" in the tenth line and inserting in lieu thereof "clause (2) (a)".

6. Clause 17 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 10, is amended by striking out "under section 181" in the first line and inserting in lieu thereof "described under clauses 181 (1) (a) to (i)".

7. Subsection 20 (3) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

- (c) refuse to permit a payment from the trust fund established under section 8.

8.—(1) Clause 22a (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is repealed.

(2) Subsection 22a (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is amended by striking out "funds described in clause (1) (a) or (b)" in the fourth and fifth lines and inserting in lieu thereof "fund described in clause (1) (a)".

(3) Subsections 22a (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 13, are repealed and the following substituted therefor:

(3) The Minister shall make a grant or allow a tax credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

Payment  
from funds

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund described in clause (1) (c), where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

9.—(1) Section 24 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 3, section 14, is further amended by inserting after "revoked" in the third line "or surrendered".

(2) Paragraph 3 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by,

- (a) inserting after “revoked” in the second line “or surrendered”;
- (b) inserting after “revocation” in the first line and in the twenty-eighth line of sub-subparagraph (i) in each instance “surrender”;
- (c) inserting after “revocation” in the eighth line of sub-subparagraph (ii) “surrender”; and
- (d) inserting after “revocation” in the sixteenth line of subparagraph (b) “surrender”.

(3) Paragraph 4 of the said section 24, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by adding at the end thereof “and a reduction of stated capital or a reduction to the stated capital accounts shall include any amount paid, or payable to the Minister pursuant to this section”.

**10.** Subsection 28 (1) of the said Act is amended by adding thereto the following clause:

- (ba) to refuse to permit payment from the trust fund established under section 8 where that refusal does not result from a determination by the Minister that any investment or proposed investment is ineligible under this Act.

**11.** Clause 34 (1) (e) of the said Act is amended by inserting after “revoked” in the fifth line “or surrendered”.

Commence-  
ment

**12.** This Act comes into force on the day following the day it receives Royal Assent.

Short title

**13.** The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986 (No. 2)*.

## CHAPTER 39

**An Act to amend the Corporations Tax Act***Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, 1983, chapter 29, section 1, 1984, chapter 29, section 1 and 1985, chapter 11, section 1, is further amended by adding thereto the following subsection:

(7) Where,

Tax Treaty

(a) a corporation is subject to tax under this Act and under the *Income Tax Act* (Canada); and

R.S.C. 1952,  
c. 148

(b) the corporation's liability for tax under the *Income Tax Act* (Canada) is subject to and modified by the application of the provisions of a Tax Treaty, Agreement or Convention between Canada and another country,

the provisions of this Act may be modified and applied in the manner prescribed by the regulations for the purpose of giving effect to a provision of such a Treaty, Agreement or Convention for the purposes of this Act.

**2.—(1)** Clause 12 (8) (a) of the said Act is repealed and the following substituted therefor:

(a) notwithstanding subsection 20 (8) of the *Income Tax Act* (Canada), the said paragraph (n) does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if,

R.S.C. 1952,  
c. 148

- (i) the corporation at the end of the taxation year or at any time in the immediately following taxation year,
  - (A) was exempt from tax under any provision of this Part, or
  - (B) ceased to have a permanent establishment in Canada, or
- (ii) the sale occurred more than thirty-six months before the end of the taxation year; and

(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1, 1983, chapter 29, section 2, 1984, chapter 29, section 2 and 1985, chapter 11, section 6, is further amended by adding thereto the following subsection:

Idem

R.S.C. 1952,  
c. 148

(17) In the application of subparagraphs 12 (1) (o) (v) and 18 (1) (m) (v) of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:

1. Clause 12 (1) (o) (v) (B) shall be read as follows:

(B) to any stage that is not beyond the prime metal stage or its equivalent, of metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource.

2. Clauses 12 (1) (o) (v) (C) and 18 (1) (m) (v) (C) are not applicable for the purposes of this Act.

3. Clause 18 (1) (m) (v) (B) shall be read as follows:

(B) metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource in Canada to any stage that is not beyond the prime metal stage or its equivalent.

**3.—**(1) Subsection 13 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed.

(2) Subsection 13 (1b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed and the following substituted therefor:

(1b) In the application of paragraph 39 (1) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, sub-paragraph 39 (1) (a) (ii.1) is not applicable.

Idem  
R.S.C. 1952,  
c. 148

**4.**—(1) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4 and amended by the Statutes of Ontario, 1984, chapter 29, section 4, is repealed and the following substituted therefor:

- (a) subsection (1) and paragraphs (3.2) (a) and (3.3) (f) of the said section are not applicable; and

(2) Clause 14 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out “subsections (2) and (2.1)” in the first line and inserting in lieu thereof “subsection (2)”.

**5.**—(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.1) or (3.1) of the said Act applies” in the sixth and seventh lines.

(2) Subsection 16 (1) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987.

(3) Subsection 16 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.2) of the said Act applies” in the sixth and seventh lines.

(4) Subsection 16 (1a) of the said Act, as amended by subsection (3) of this section, is repealed on the 1st day of January, 1987.

**6.**—(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out “or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act” in the third, fourth, fifth and sixth lines.

(2) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987 and the following substituted therefor:

- (C) the aggregate of amounts, each of which is an amount in respect of a Canadian



resource property that has been disposed of by it, equal to the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

**7.—(1) Clause 25 (3) (a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 9, is repealed and the following substituted therefor:**

R.S.C. 1952,  
c. 148

(a) subsections 66.1 (1), 66.2 (1) and 66.4 (1) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by section 18a of this Act.

(2) Subsection 25 (4) of the said Act is amended by striking out “or (3), as the case may be” in the third line and in the fifth line.

**8.—(1) Subsection 27 (1) of the said Act is amended by striking out “deductions” in the fifth line and inserting in lieu thereof “additions and deductions”.**

(2) Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, 1984, chapter 29, section 8 and 1985, chapter 11, section 11, is further amended by adding thereto the following subsection:

Idem  
R.S.C. 1952,  
c. 148

(7) In the application of section 110.5 and paragraph 111 (8) (b) of the *Income Tax Act* (Canada) for the purposes of this Act, the amount determined under section 110.5 added to the taxable income of the corporation for the taxation year and to the non-capital loss of the corporation for the taxation year under subparagraph 111 (8) (b) (ii) for the purposes of that Act shall be the amount added to the taxable income and included in the non-capital loss of the corporation for the taxation year for the purposes of this Act.

**9.—(1) Subsection 40 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 15 and amended by 1985, chapter 11, section 19, is further amended by adding at the commencement thereof “Subject to subsection (5a)”.**

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 15 and 1985, chapter 11,



section 19, is further amended by adding thereto the following subsection:

(5a) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act, the percentage referred to in clauses (A) and (B) thereof shall, with respect to a taxation year ending after the 18th day of December, 1985 but commencing before the 19th day of December, 1985, be read as 15 per cent plus that proportion of 1/2 of 1 per cent that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year. Idem

(3) Subsection 40 (7) of the said Act is amended by striking out "and paragraph (6) (c) of the said section" in the second line.

**10.—**(1) Subsection 43 (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 21, is amended by adding at the commencement thereof "Subject to subsection (6)".

(2) Section 43 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 11, section 21, is further amended by adding thereto the following subsection:

(6) In the application of subsection (4), where the taxation year of a corporation that was, throughout the taxation year, a credit union, ends after the 18th day of December, 1985, but commenced before the 19th day of December, 1985, the deduction from tax permitted under subsection (4) shall not exceed the aggregate of, Idem

- (a) that proportion of the amount that would be deductible from tax under subsection (4), if the reference to "5.5 per cent" in the fourth line thereof was read as "5 per cent", that the number of days in the taxation year before the 19th day of December, 1985 is of the total number of days in the taxation year; and
- (b) that proportion of the amount otherwise deductible from tax under subsection (4) that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year.

**11.—**(1) Subclause 53 (1) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 15, is amended by striking out "subsections 13 (1) and (1a)" in

the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(2) Subclause 53 (1) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 17, is repealed.

(3) Subsection 53 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by striking out "and" at the end of clause (d), by adding "and" at the end of clause (e) and by adding thereto the following clause:

(f) all its indebtedness represented by bankers' acceptances.

(4) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1982, chapter 19, section 3, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by adding thereto the following subsection:

Accounts payable

(1a) For the purpose of clause (1) (d), sums or credits advanced or loaned to the corporation include,

- (a) accounts payable to a related corporation that have been outstanding for 120 or more days prior to the end of the taxation year; and
- (b) accounts payable to a corporation other than a related corporation that have been outstanding for 365 or more days prior to the end of the taxation year.

**12.—**(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1983, chapter 29, section 18, is further amended,

- (a) by adding at the commencement thereof "subject to subsection 54 (2d)";
- (b) by striking out "shares and bonds" in the fifth line and inserting in lieu thereof "shares, bonds and lien notes".

(2) Subclause 54 (1) (c) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is amended by adding at the end thereof "prior to the end of the taxation year".

(3) Subclause 54 (1) (c) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 11 and amended by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed and the following substituted therefor:

- (v) bankers' acceptances are deemed not to be loans and advances to other corporations unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (vii) bonds or treasury bills issued by a government are deemed not to be bonds or securities of a government unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (viii) loans and advances to other corporations are deemed not to include commercial paper issued by a corporation unless issued for a term of 120 or more days and held by the corporation for at least 120 days prior to the end of the taxation year or, if issued without a specified term, unless held by the corporation for at least 120 days prior to the end of the taxation year,
- (ix) accounts receivable by the corporation from a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 120 or more days prior to the end of the taxation year, and
- (x) accounts receivable by the corporation from a corporation other than a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 365 or more days prior to the end of the taxation year.

(4) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, 1982, chapter 19, section 4, 1983, chapter 29, section 18, 1984, chapter 29, section 16 and 1985, chapter 11, section 24, is further amended by adding thereto the following subsection:

## Application

(2d) Subclauses 54 (1) (c) (iv), (v), (vii) and (viii) do not apply for the purposes of determining the amount under clause 54 (1) (c) deductible by a corporation which is an investment dealer or broker in respect of money market instruments, including treasury bills and bonds issued by a government, bearer deposit notes issued by a bank, commercial paper and bankers' acceptances, where such instruments are included in the corporation's inventory of securities at the end of the taxation year being held for sale to its customers and, for the purpose of clause 54 (1) (c), such instruments are deemed to be investments made by the corporation.

(5) Subclause 54 (3) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 16, is amended by striking out "subsections 13 (1) and (1a)" in the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(6) Subclause 54 (3) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed.

**13.—**(1) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13 and amended by 1983, chapter 29, section 19, is further amended by striking out "as defined in subsection 125 (13) of the *Income Tax Act* (Canada)," in the second and third lines.

(2) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, 1983, chapter 29, section 19 and 1984, chapter 29, section 17, is further amended by adding thereto the following subsection:

Connected  
partnerships

(7) For the purposes of this section, a partnership of which a corporation was a member in a taxation year (hereinafter referred to as the "first partnership") is connected with another partnership (hereinafter referred to as the "second partnership") if,

- (a) more than 50 per cent of the total income or loss, as the case may be, of the first partnership for its fiscal periods ending in or coinciding with the taxation year is included in the determination of the income of a particular person or a particular group of persons; and
- (b) more than 50 per cent of the total income or loss, as the case may be, of the second partnership for its fiscal periods ending in or coinciding with the tax-

tion year is included in the determination of the income of.

- (i) the particular person,
- (ii) the particular group of persons,
- (iii) any corporation associated with the particular person or with any member of the particular group of persons,
- (iv) any group of corporations each member of which is associated with the particular person or with any member of the particular group of persons, or
- (v) any group of persons each member of which is a person or a member of a group of persons described in any of subclauses (i) to (iv).

**14. Clause 67 (1a) (e) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 29, is repealed and the following substituted therefor:**

- (e) it had no taxable income under this Act for the taxation year and the only tax payable by it under this Act for the taxation year is imposed by Part III and does not exceed \$100.

**15.—(1) Section 1 comes into force on the day after the day this Act receives Royal Assent.** Commence-  
ment and  
application

(2) Subsection 2 (1) and subsection 3 (1) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986. Idem

(3) Subsections 5 (2) and (4) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986. Idem

(4) Subsection 6 (2) comes into force on the 1st day of January, 1987, and applies in respect of taxation years of corporations ending after the 31st day of December, 1986, where a disposition has occurred after the 31st day of December, 1986. Idem

(5) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1985, and applies with respect to amounts payable after the 31st day of December, 1984. Idem

- Idem      (6) Subsection 3 (2), subsections 4 (1) and (2) and section 7 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations with respect to all taxation years commencing after the 31st day of December, 1984.
- Idem      (7) Subsection 6 (1) shall be deemed to have come into force on the 1st day of January, 1985, and applies to corporations with respect to dispositions occurring in taxation years commencing after the 31st day of December, 1984.
- Idem      (8) Subsections 5 (1) and (3) shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to dispositions made by a corporation before the 1st day of January, 1987, in any taxation year of the corporation commencing after the 31st day of December, 1984.
- Idem      (9) Subsections 9 (1) and (2) and section 10 shall be deemed to have come into force on the 19th day of December, 1985, and apply to corporations in respect of all taxation years ending after the 18th day of December, 1985.
- Idem      (10) Section 8, subsection 9 (3) and section 13 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1984.
- Idem      (11) Subsections 11 (3) and (4) and subsections 12 (1), (2), (3) and (4) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986.
- Idem      (12) Subsections 11 (1) and (2) and subsections 12 (5) and (6) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986, with respect to dispositions made after the 31st day of December, 1986.
- Idem      (13) Section 14 shall be deemed to have come into force on the 1st day of April, 1986, and applies to corporations in respect of all taxation years ending after the 31st day of March, 1986.
- Short title      **16.** The short title of this Act is the *Corporations Tax Amendment Act, 1986*.



## CHAPTER 40

### An Act to amend the Income Tax Act

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 12, section 1, is repealed and the following substituted therefor:

**2b.** Every individual shall, in addition to the amount of tax otherwise payable by such taxpayer under this Act, pay an additional income tax in respect of the 1986 and subsequent taxation years equal to 3 per cent of the amount, if any, by which the tax that would, but for section 120.1 of the Federal Act, be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$5,000. Surcharge

**2.** Subclause 3 (8) (b) (ii) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is further amended by striking out “paragraph 110 (1) (f) or” in the amendment of 1984 and inserting in lieu thereof “paragraph 110 (1) (d) or (f) or”.

**3.** Subsection 7 (13) of the said Act is amended by striking out “four” in the eighteenth line and inserting in lieu thereof “three”.

**4.** Subsection 8 (1) of the said Act is amended by inserting after “Act” in the second line “or would be payable but for the application of section 127.3 of the Federal Act in the calculation of tax payable under the Federal Act,”.

**5.—(1)** Subclause 10 (4) (a) (ii) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.



(2) Clause 10 (4) (b) of the said Act is amended by striking out “four” in the first line and inserting in lieu thereof “three”.

(3) Section 10 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 4 and 1985, chapter 12, section 4, is further amended by adding thereto the following subsection:

Idem

(4a) Notwithstanding subsection (4), where the Provincial Minister is entitled to reassess, make an additional assessment or assess tax, interest or penalties by virtue only of the filing of a waiver under subclause (4) (a) (ii), no assessment, reassessment or additional assessment shall be made after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form under the Federal Act is filed.

(4) Subsection 10 (5) of the said Act is amended by striking out “four” in the fifth line and in the eighth line and inserting in lieu thereof in each instance “three”.

(5) Subsection 10 (6) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.

6. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6 and 1985, chapter 12, section 8, is further amended by adding thereto the following subsection:

Interest  
not assessed

(2a) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) of this Act or under subsection 161 (2) of the Federal Act does not exceed \$25 for a taxation year, the Provincial Minister shall not assess such interest.

7.—(1) Subsection 19 (1) of the said Act is amended by,

- (a) striking out “four” in the second line and inserting in lieu thereof “three”;
- (b) striking out “upon” in the first line of clause (a) and inserting in lieu thereof “on or after”; and
- (c) striking out “four” in the third line of clause (b) and inserting in lieu thereof “three”.

(2) Subsection 19 (2) of the said Act is amended by,

- (a) inserting after “refund” in the first line “or repayment”; and
- (b) striking out “overpayment” in the fifth line and inserting in lieu thereof “refund or repayment”.

(3) Section 19 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 12, section 9, is further amended by adding thereto the following subsection:

(4a) Where the Supreme Court of Ontario or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest or a penalty under this Act by a taxpayer resident in Canada, Idem

- (a) referred an assessment back to the Provincial Minister for reconsideration and reassessment;
- (b) varied or vacated an assessment; or
- (c) ordered the Provincial Minister to repay tax, interest or penalties,

the Provincial Minister shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,

- (d) where the assessment has been referred back to the Provincial Minister, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer;
- (e) refund any overpayment resulting from the variation, vacating or reassessment; and
- (f) where clause (c) is applicable, repay any tax, interest or penalties as ordered,

and the Provincial Minister may repay any tax, interest or penalties or surrender any security accepted therefor by the Provincial Minister to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, the Provincial Minister is satisfied that it would be just and equitable to do so, but for greater certainty, the Provincial Minister may, in accordance with the provisions of this Act, the *Courts of Justice Act, 1984* or the *Supreme Court Act (Canada)*, as they relate to appeals from decisions of the Supreme Court of Ontario, appeal from the decision of the Court notwithstand-

ing any variation or vacating of any assessment by the Court or any reassessment made by the Provincial Minister under clause (d), and any such appeal from a decision of the Supreme Court of Ontario shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.

**8.** Subsection 20 (5) of the said Act is amended by striking out “four” in the third line and inserting in lieu thereof “three”.

**9.** Clause 21 (1) (b) of the said Act is amended by striking out “180” in the first line and inserting in lieu thereof “ninety”.

**10.** Subsection 27 (3) of the said Act is repealed and the following substituted therefor:

Security  
for taxes

(3) The Provincial Minister may, if he or she considers it advisable in a particular case, accept security in any form the Provincial Minister considers appropriate for payment of any amount that is or may become payable under this Act.

Surrender  
of security

(3a) Where at any time a taxpayer requests in writing that the Provincial Minister surrender any security accepted under subsection (3), the Provincial Minister shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.

**11.** Subsection 36 (6) of the said Act is amended by striking out “thereon” in the eleventh line and inserting in lieu thereof “on the amount that should have been deducted or withheld”.

Commence-  
ment and  
application

**12.—(1)** This Act, except sections 1 to 11, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1986.

Idem

(3) Sections 2 and 6 shall be deemed to have come into force on the 1st day of January, 1984, and apply with respect to the 1984 and subsequent taxation years.

Idem

(4) Sections 3 and 4, subsections 5 (1), (2), (4) and (5) and section 8 shall be deemed to have come into force on the 1st day of January, 1983, and apply with respect to the 1983 and subsequent taxation years.

(5) Subsection 5 (3) shall be deemed to have come into force on the 16th day of February, 1984, and applies after the 15th day of February, 1984, except that in the application of subsection 10 (4a) of the said Act to a waiver filed before the 16th day of February, 1984, that is revoked by a notice of revocation filed before 1986, the reference therein to "six months" shall be read as a reference to "one year". Idem

(6) Subsection 7 (1) shall be deemed to have come into force on the 1st day of January, 1983, and applies with respect to refunds for the 1983 and subsequent taxation years. Idem

(7) Subsections 7 (2) and (3) and sections 10 and 11 shall be deemed to have come into force on the 16th day of February, 1984. Idem

(8) Section 9 comes into force on the day after the day this Act receives Royal Assent, and applies to notices of objection served after the day this Act receives Royal Assent. Idem

**13.** The short title of this Act is the *Income Tax Amendment Act, 1986*. Short title



## CHAPTER 41

**An Act to amend the Tobacco Tax Act***Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses 2 (1) (a) and (b) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1985, chapter 22, section 2, are repealed and the following substituted therefor:

- (a) 2.83 cents on every cigarette purchased by the consumer;
- (b) 1.6 cents per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by the consumer; and

**2.** The said Act is amended by adding thereto the following section:

**9a.** Every person who is a manufacturer, importer or wholesale dealer of tobacco shall deliver to the Minister, without notice or demand, such returns at such time and in such manner as the regulations prescribe. Information returns

**3.—(1)** This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

**(2)** Section 1 comes into force on the 1st day of January, 1987. Idem

**4.** The short title of this Act is the *Tobacco Tax Amendment Act, 1986*. Short title





## CHAPTER 42

### An Act to amend the Provincial Offences Act

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(1a) In this Act, "municipality" includes a regional, district or metropolitan municipality. Idem

**2.** Section 9 of the said Act is amended by adding thereto the following subsection:

(2) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of an offence under a by-law of a municipality, the justice shall enter a conviction under clause (1) (a) without proof of the by-law that creates the offence if the certificate of offence is complete and regular on its face. Where conviction without proof of by-law

**3.** Subsection 15 (2) of the said Act is amended by striking out "including a regional, district or metropolitan municipality" in the second and third lines.

**4.—(1)** Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of a parking infraction may be commenced by filing in the office of the court, Commencement of proceeding

(a) a certificate of parking infraction; and

(b) where the parking infraction is alleged against the defendant as owner of a vehicle, evidence of the ownership of the vehicle,

within forty-five days after the alleged infraction occurred.

**(2) Section 16 of the said Act is amended by adding thereto the following subsection:**

Municipal  
by-laws

(2a) A provincial offences officer may issue a certificate and notice under subsection (2) in respect of a parking infraction under a by-law of a municipality without including on the certificate or notice a reference to the number of the by-law that creates the offence.

**(3) The said section 16 is further amended by adding thereto the following subsections:**

Service of  
notice on  
operator

(4) The issuing provincial offences officer may serve the parking infraction notice on the operator of a vehicle by delivering it to the operator personally at the time of the alleged parking infraction.

Certificate  
of service

(5) The provincial offences officer who issued the certificate of parking infraction shall certify on the certificate of parking infraction that the officer served the parking infraction notice on the person charged and the date and method of service.

Certificate  
as evidence

(6) A certificate of service of a parking infraction notice purporting to be signed by the provincial offences officer issuing it shall be received in evidence and is proof of service in the absence of evidence to the contrary.

**5. Section 17 of the said Act is amended by adding thereto the following subsections:**

Certificate  
not invalid  
without  
by-law  
number

(3) Subject to subsection (4), where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, the certificate is not insufficient or irregular by reason only that it does not identify the by-law that creates the offence.

Exception

(4) Where the defendant delivers a notice under subsection (1), subsection (3) does not apply unless the notice of trial given to the defendant under subsection (2) identifies the by-law.

**6.—(1) Section 19 of the said Act is amended by adding thereto the following subsections:**

Certificate as  
evidence

(1a) Where a certificate of parking infraction is issued for an infraction under a by-law of a municipality, a certificate purporting to be signed by the clerk of the municipality, or a person designated by the clerk,

- (a) that payment has not been made under section 18; and
- (b) that notice of the defendant's desire to appear or to be represented at trial has not been delivered to the place specified in the parking infraction notice,

shall be received in evidence and is proof of the facts contained therein in the absence of evidence to the contrary.

(1b) Where a defendant is deemed to not wish to dispute a charge under subsection (1) in respect of a parking infraction under a by-law of a municipality, the justice shall enter a conviction under subsection (1) without proof of the by-law which creates the offence if the justice is satisfied that all other criteria under subsection (1) for entering a conviction have been met.

Where  
conviction  
without proof  
of by-law

(2) Subsection 19 (3) of the said Act is amended by striking out "and the fine or any part of the fine not paid within fifteen days after the giving of the notice shall be deemed to be in default" in the fourth, fifth and sixth lines.

7. The said Act is amended by adding thereto the following section:

**70a.**—(1) Where the payment of a fine is in default and the time for payment is not extended or further extended under subsection 67 (6), the defendant shall pay the administrative fee prescribed by the regulations.

Fee  
where fine  
in default

(2) For the purpose of making and enforcing payment, a fee payable under this section shall be deemed to be part of the fine that is in default.

Fee  
collectable  
as a fine

8. Section 91 of the said Act is amended by adding thereto the following clause:

- (g) prescribing administrative fees for the purposes of subsection 70a (1) for the late payment of fines or classes of fines, and prescribing the classes.

9. Section 149 of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 87, section 1, is amended by adding at the end thereof "or, in the case of parking infractions under municipal by-laws, until Part II applies in the municipality".

**10.**—(1) This Act, except sections 3, 4, 5 and 6, comes into force on the day it receives Royal Assent.

Commence-  
ment

Idem

R.S.O. 1980,  
c. 400

Short title

(2) Sections 3, 4, 5 and 6 come into force on the day Part II of the *Provincial Offences Act* is proclaimed in force.

**11.** The short title of this Act is the *Provincial Offences Amendment Act, 1986*.

## CHAPTER 43

### An Act to amend the Legal Aid Act

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (ba) “assessable administrative expenses” means the total of the expenses of the Law Society attributable to the administration of this Act and the regulations less,
  - (i) all expenses relating to community legal aid clinics, research facilities and salaried duty counsel, and
  - (ii) all sums spent to support student legal aid societies.

**2.** Subsection 22 (1) of the said Act is repealed and the following substituted therefor:

(1) Every barrister and solicitor who provides legal aid shall be paid out of the Fund,

Payment for  
professional  
services

- (a) for legal aid provided pursuant to a certificate issued before the 1st day of July, 1986, or provided as duty counsel before that date, an amount equal to 75 per cent of the fees for services rendered as determined under the regulations;
- (b) for legal aid provided pursuant to a certificate issued after the 30th day of June, 1986, and before the 1st day of April, 1988, or provided as duty counsel between those dates, an amount equal to 95 per cent of the fees for services determined under the regulations;

- (c) for legal aid provided pursuant to a certificate issued after the 31st day of March, 1988, or provided as duty counsel after that date, an amount equal to the fees for services rendered as determined under the regulations less the reduction, if any, under subsection 25a(2) or (3); and
- (d) subject to the regulations, an amount equal to the proper out-of-pocket disbursements in the matter in which the legal aid was given.

**3. The said Act is amended by adding thereto the following section:**

Contribution  
by Law  
Society

**25a.**—(1) The Law Society shall contribute to the Fund such percentage of the assessable administrative expenses as is set out in the regulations.

Idem

(2) Beginning on the 1st day of April, 1988, the Law Society may reduce the amounts payable under clause 22 (1) (c) by such percentage, not exceeding 5 per cent, as may be set out in the regulations for the purpose of discharging up to 50 per cent of its obligation under subsection (1).

Idem

(3) Notwithstanding subsection (2), where in the preceding fiscal year there was a shortfall, the Law Society may reduce the amounts payable under clause 22 (1) (c) by an amount not exceeding 5 per cent, as may be set out in the regulations, and any amount produced in excess of 50 per cent of the Law Society's obligation under subsection (1) may be applied to reduce its obligation under subsection (1) for the current fiscal year by an amount not exceeding the shortfall for the preceding fiscal year.

Idem

(4) For the purposes of subsection (3), a shortfall occurs where the percentage reduction under subsection (2) for a fiscal year is less than 5 per cent and the amount produced is less than 50 per cent of the Law Society's obligation under subsection (1) for that fiscal year.

**4. Clause 26 (1) (k) of the said Act is repealed and the following substituted therefor:**

- (k) respecting the fees and disbursements to be paid to barristers and solicitors for legal aid, including a reduction of up to 5 per cent as described in subsection 25a(2) or (3);
- (ka) providing for and governing the contribution to the Fund by the Law Society of such percentage of the

assessable administrative expenses as is set out in the regulations;

- (kb) providing for the monitoring and making of recommendations on the fees payable to barristers and solicitors providing legal aid.

**5.** This Act shall be deemed to have come into force on the 1st day of July, 1986. Commence-  
ment

**6.** The short title of this Act is the *Legal Aid Amendment Act, 1986*. Short title





## CHAPTER 44

**An Act to repeal the Gold Clauses Act***Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The *Gold Clauses Act*, being chapter 189 of the Revised Statutes of Ontario, 1980, is repealed.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Gold Clauses Repeal Act*, 1986. Short title

## CHAPTER 45

**An Act to provide for  
French Language Services in the  
Government of Ontario**

*Assented to November 18th, 1986*

## Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Definitions

**1. In this Act,**

“organisme  
gouverne-  
mental”

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

## CHAPITRE 45

**Loi assurant la prestation  
de services en français par  
le gouvernement de l'Ontario**

*Sanctionnée le 18 novembre 1986*

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; attendu que l'Assemblée législative reconnaît l'apport du patrimoine culturel de la population francophone et désire le sauvegarder pour les générations à venir; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

**1** Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario, sauf que les établissements psychiatriques, les foyers et les collèges d'arts appliqués et de technologie administrés par un ministère ne sont pas inclus, à moins d'être désignés par les règlements en tant qu'organismes offrant des services publics;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les

R.S.O. 1980,  
cc. 320, 202

(d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

(e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,  
c. 122

R.S.O. 1980,  
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e).

"service"

"service" means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision  
of services  
in French

**2.** The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of  
English  
or French in  
Legislative  
Assembly

**3.—**(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and  
Acts of the  
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation  
of Statutes

**4.—**(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment.

Translation  
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers

deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;

- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics; L.R.O. 1980, chap. 320, 202
- e) un fournisseur de services au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* ou une commission au sens de la *Loi sur les commissions de district pour l'administration de l'aide sociale* qui sont désignés par les règlements en tant qu'organismes offrant des services publics. 1984, chap. 55  
L.R.O. 1980, chap. 122

Sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*, à l'exception des conseils locaux qui sont désignés aux termes de l'alinéa e).

L.R.O. 1980, chap. 303

«service» Service ou procédure qu'un organisme gouvernemental ou une institution de la Législature fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

**2** Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des services en français

**3** (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'employer le français ou l'anglais à l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1<sup>er</sup> janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi et lois de l'Assemblée

**4** (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction des lois

(2) Le procureur général présente à l'Assemblée législative les traductions visées au paragraphe (1) afin qu'elle les adopte.

Adoption

(3) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée et recommande

Traduction des règlements

appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to  
services in  
French

**5.**—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment  
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to  
services  
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication  
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing  
practice  
protected

**6.** This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation  
of  
obligations  
of  
government  
agencies, etc.

**7.** The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

**8.**—(1) The Lieutenant Governor in Council may make regulations,



les traductions au Conseil des ministres ou à l'autorité compétente afin que le Conseil ou l'autorité les adopte.

**5** (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle adoption du par. 5 (1)

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

**6** La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante

**7** Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

**8** (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements

- (a) designating public service agencies for the purpose of the definition of “government agency”;
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of  
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service  
agencies;  
limited  
designation

**9.**—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of  
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and  
comment re  
exempting  
regulation,  
etc.

**10.**—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

- a) désigner des organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire et si elle ne porte pas atteinte à l'objet général de la présente loi.

(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation  
de l'alinéa  
8 (1) c)

**9** (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation  
restreinte de  
l'organisme  
offrant des  
services  
publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement  
de  
l'université

**10** (1) Le présent article s'applique au règlement :

Avis et obser-  
vations tou-  
chant le  
règlement  
d'exemption,  
etc.

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program  
for the  
designation  
of public  
service  
agencies

**11.** The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible  
Minister

**12.**—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables.

Idem

**11** Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2).

Programme visant à la désignation des organismes offrant des services publics

**12** (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi.

Ministre

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut :

Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

Annual  
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for  
Francophone  
Affairs  
R.S.O. 1980,  
c. 418

**13.** Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French  
language  
services  
co-ordinators  
Committee

**14.—(1)** A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-  
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy  
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario  
French  
Language  
Services  
Commission

**15.—(1)** The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of  
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of  
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;



(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport  
annuel

**13** Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office  
des affaires  
francophones  
L.R.O. 1980,  
chap. 418

**14** (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-  
nateurs des  
services en  
français

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-  
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-  
ministre

**15** (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission  
des services  
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au  
sein de la  
Commission

(3) La Commission peut :

Fonctions de  
la Commis-  
sion

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;



- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public.

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff  
R.S.O. 1980,  
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;
- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommen-  
dations

(5) La Commission relève du ministre.

La Commis-  
sion relève  
du ministre  
Personnel

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

L.R.O. 1980,  
chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport  
annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commis-  
sion est  
dissoute

Re-enactment  
of  
s. 15 (3) (d,  
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

(d) recommend changes in the plans of government agencies for the provision of French language services;

(e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

Municipal  
by-laws re  
official  
languages

**16.**—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to  
services in  
English and  
French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan  
and regional  
councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commence-  
ment

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** The short title of this Act is the *French Language Services Act, 1986*.

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle  
adoption  
des alinéas  
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).

**16** (1) Le conseil d'une municipalité située dans une région désignée à l'annexe peut adopter un règlement prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues.

Règlements  
municipaux  
portant sur  
les langues  
officielles

(2) Lorsqu'un règlement municipal visé au paragraphe (1) est en vigueur, chacun a droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau de la municipalité et pour recevoir les services visés par le règlement.

Droit aux ser-  
vices en fran-  
çais et en  
anglais

(3) Si une région désignée à l'annexe fait partie d'une municipalité régionale ou de communauté urbaine et que le conseil d'une municipalité situé dans la région adopte un règlement en vertu du paragraphe (1), le conseil de la municipalité régionale ou de communauté urbaine peut également adopter un tel règlement en ce qui concerne son administration et ses services.

Conseils  
régionaux et  
de commu-  
nauté  
urbaine

**17** La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en  
vigueur

**18** Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*.

Titre abrégé

## SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Township of Winchester
County of Essex	City of Windsor
	Towns of: Belle River and Tecumseh
	Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

## ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	Le canton de Winchester
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité
District de Kenora	Le canton d'Ignace

District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All



District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming	La totalité



## CHAPTER 46

**An Act to amend certain Acts  
respecting Regional Municipalities**

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

REGIONAL MUNICIPALITY OF DURHAM

**1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

. . . . .

5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.

(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of qualifi-  
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".**

**(6) Subsection 21 (4) of the said Act is repealed.**

**(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".**

**(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

**2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

**(2) Subsection 21 (4) of the said Act is repealed.**

**(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of  
area  
municipalities  
regulating  
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF HALTON

**3.—**(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of  
amendment  
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws  
not affected

(4) Clause 104 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**4.—(1)** Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.



(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing  
contractors  
and master  
tradespersons

**134a.**—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;

- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation  
of  
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on  
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area  
municipality's  
by-laws  
inoperative

(7) Section 136 of the said Act is amended by adding thereto the following subsection:

Idem

R.S.O. 1980.  
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

#### REGIONAL MUNICIPALITY OF NIAGARA

**5.—(1)** Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2)** Subsection 20 (4) of the said Act is repealed.

(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

**(4)** Subsection 161 (5) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

#### REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

**6.—(1)** Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the

clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(2) Subsection 24 (4) of the said Act is repealed.**

**(3) Section 77 of the said Act is amended by adding thereto the following subsections:**

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax  
exemption

R.S.O. 1980,  
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed  
exemption

**(4) Subsection 78 (1) of the said Act is amended by striking out "such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area" in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof "such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area".**

**(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:**

(2) Without limiting the generality of subsection (1),

General  
powers



- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

**(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:**

prohibiting  
and  
regulating  
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

**(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:**

Health unit  
and board  
dissolved

**106.**—(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of  
board  
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of  
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.



(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application  
of  
s. 28 (2, 3,  
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave  
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination  
of  
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

(10) The said Act is amended by adding thereto the following section:

**165.** The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire  
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

**181a.**—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products  
from  
industrial  
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,  
c. 309 not to  
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

#### REGIONAL MUNICIPALITY OF PEEL

7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1980,  
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

## REGIONAL MUNICIPALITY OF SUDBURY

**8.**—(1) Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates  
of  
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

## REGIONAL MUNICIPALITY OF WATERLOO

**9.**—(1) Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;

THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

(2) Subsection 6 (1) of the said Act is amended by striking out "twenty-five" in the first line and inserting in lieu thereof "twenty-six".

(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Thirteen" in the first line and inserting in lieu thereof "Fourteen".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application  
of  
R.S.O. 1980,  
c. 65

#### REGIONAL MUNICIPALITY OF YORK

**10.—**(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out "eighteen" in the first line and inserting in lieu thereof "twenty".

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

(b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

**(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:**

Certificates  
of  
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

**(5) Subsection 10 (1) of the said Act is amended by striking out “Ten” in the first line and inserting in lieu thereof “Eleven”.**

**(6) Subsection 20 (4) of the said Act is repealed.**

**(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:**

By-laws of  
area  
municipalities  
regulating  
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively



do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of amendment or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws not affected

(8) Clause 135 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application of R.S.O. 1980, c. 65

**11.**—(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commencement

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1988.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1988 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition R.S.O. 1980, c. 308

**12.** The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title





## CHAPTER 47

### **An Act to amend certain Acts in relation to Line Fences**

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clause 1 (1) (a) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

(a) “appeals division” means an appeals division established under this Act;

(aa) “Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom the administration of this Act is assigned.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

(ca) “referee” means a referee appointed under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

Condominium  
corporations  
R.S.O. 1980,  
c. 84

(a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

- (b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation.

**2. Section 2 of the said Act is repealed and the following substituted therefor:**

Appointment  
of  
fence-viewers

**2.** The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers.

**3.** Subsection 4 (1) of the said Act is amended by inserting after “notify” in the seventh line “in the prescribed form”.

**4.** The said Act is amended by adding thereto the following section:

Postponement  
of view

**4a.**—(1) Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk’s opinion weather conditions or ground conditions make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
- (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.

Winter  
months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law.

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-

viewers during the period set out in the by-law shall be postponed until the expiry of the period.

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. Idem

**5. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:**

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. Matters to be considered

**6. Section 8 of the said Act is amended by adding thereto the following subsection:**

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. When award received

**7.—(1) Sections 9 and 10 of the said Act are repealed and the following substituted therefor:**

**9.—(1)** An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. Appeal

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. Notice to referee, etc.

Notice of  
hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4.

Powers of  
referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs.

Decision  
of referee  
to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Indemnity  
for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Where land  
in more than  
one appeals  
division

(8) Notwithstanding subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard.

Copy of  
decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister.

Payment to  
Treasurer of  
Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario.

**(2) Where, before the coming into force of this section, copies of the notices of appeal and the affidavits mentioned in subsection 9 (1) of the said Act, as that subsection read immediately before the coming into force of this section, were filed with the clerk of the small claims court, the appeal shall be heard and disposed of in accordance with the said Act as it read immediately before the coming into force of this section.**

**8. Subsection 13 (8) of the said Act is repealed and the following substituted therefor:**

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining

owner or the other owner or that a specified portion of the costs be paid by each of them.

**9.** Subsection 14 (1) of the said Act is amended by striking out “fees of the fence-viewers” in the twelfth line and inserting in lieu thereof “costs of the proceedings” and by striking out “fees” in the fourteenth line and inserting in lieu thereof “costs”.

**10.** The said Act is further amended by adding thereto the following section:

**16a.**—(1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed.

Adminis-  
trative  
fees of  
municipality

(2) Subsections 17 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1).

Idem

**11.** Subsection 18 (1) of the said Act is amended by adding at the commencement thereof “Notwithstanding section 24”.

**12.** Sections 24 and 25 of the said Act are repealed and the following substituted therefor:

**24.**—(1) Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway.

Act does not  
apply to  
public  
highways

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 22 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands.

Agreements  
under  
subs. 22 (3)

**25.** This Act does not apply to land where the land is in an area that is subject to a by-law passed under paragraph 20 of section 210 of the *Municipal Act*.

Effect of by-  
law under  
section 210,  
par. 20 of  
R.S.O. 1980,  
c. 302

**25a.**—(1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division.

Appeals  
divisions

Appointment of referee (2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division.

Deputy referees (3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment.

Additional jurisdiction (4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division.

Assignment of hearings (5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed.

Remuneration (6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses.

Clerk on hearing of appeals **25b.**—(1) The clerk of the municipality in which an appeal is filed under section 9 shall be the clerk for the purposes of an appeal under that section.

Support services (2) The corporation of the municipality in which an appeal is filed under section 9 shall provide a suitable room for holding the hearing and shall provide all necessary stenographic and other support services as may be required for the purposes of the appeal.

Idem (3) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister.

**13. Section 27 of the said Act is repealed and the following substituted therefor:**

Regulations **27.** The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;



- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 16a;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act.

**14.** Paragraph 20 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law.

**15.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

**16.** The short title of this Act is the *Line Fences Amendment Act, 1986*.

Short title



## CHAPTER 48

### **An Act to amend the District Municipality of Muskoka Act**

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:*

**6a.**—(1) The chairman shall be elected at a meeting of the mayors-elect of the area municipalities and the members-elect of the District Council which meeting shall be held on the fourth Monday in November or within seven days thereafter in each year in which there is a regular election.

Election of  
chairman

(2) The mayors-elect of the area municipalities and the members-elect of the District Council may nominate any person as chairman including a member or member-elect of the District Council or a member or member-elect of an area council.

Nominations

(3) Nominations for the office of chairman shall be submitted to the clerk of the District Corporation not later than 5 o'clock in the afternoon of the third Monday in November in the year in which an election is to be held under subsection (1).

Idem

(4) The clerk of each area municipality shall certify, forthwith after the day of the election, under the seal of the area municipality, to the clerk of the District Corporation, the name of the person who is the mayor-elect and of each person who is a member-elect of the District Council representing the area municipality and a person shall not participate in a meeting held under this section until the clerk of the District Corporation has received such a certificate in respect of that person.

Certificate  
of qualifi-  
cation

Clerk to  
preside

(5) The clerk shall preside at meetings held under this section and no business other than the election of the chairman shall be considered at such a meeting.

Declaration  
of office  
R.S.O. 1980,  
c. 302

(6) No person shall vote in the election of the chairman until after the declarations of office in Form 3 of the *Municipal Act* have been made by all persons who present themselves for that purpose.

Oath and  
declaration

(7) The chairman, when elected, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Term of  
office

(8) The chairman shall hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Failure to  
elect  
chairman

(9) If at the meeting referred to in subsection (1), a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within seven days after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Quorum

(10) At least twelve persons representing at least four area municipalities are necessary to form a quorum for a meeting held under this section and the concurring votes of a majority of those present are necessary to elect the chairman.

Qualification

(11) Where the person who is elected or appointed as chairman is a member-elect of the council of an area municipality,

- (a) the clerk of the District Corporation shall forthwith notify the clerk of the area municipality of the election or appointment;
- (b) the person shall not take his seat on the area council; and
- (c) the council of the area municipality shall declare the seat of the person on the area council to be vacant.

**2. Subsections 7 (1), (3), (4) and (5) of the said Act are repealed.**

**3. Subsections 8 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:**

(2) The first meeting of the District Council after a regular election shall be held on such date and at such time and place as may be fixed by by-law of the District Council which date shall not be later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

First meeting  
of District  
Council

(3) Where a person is elected or appointed to represent an area municipality as a member of the District Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the District Corporation the name of each person who has been so elected or appointed.

Certificate of  
qualification

(4) A person entitled to be a member of the District Council in accordance with section 6 shall not take a seat as a member of the District Council until the clerk of the District Corporation has received the certificate referred to in subsection (3) and the person has made the declaration of office in Form 3 of the *Municipal Act*.

Declaration  
of members

R.S.O. 1980,  
c. 302

(5) Subsections (3) and (4) do not apply to a person with respect to whom a certificate has been received by the clerk of the District Corporation under subsection 6a (4) if the person has complied with subsection 6a (6).

Exception

(6) The chairman shall not preside at a meeting of the District Council unless the chairman has taken an oath of allegiance in Form 1 and made a declaration of qualification in Form 2.

When  
chairman  
may preside

**4. Section 14 of the said Act is repealed and the following substituted therefor:**

**14.—**(1) When the chairman is absent or refuses to act, or the office of chairman is vacant, the District Council may by resolution appoint one of its members to act in the place and stead of the chairman and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting  
chairman

(2) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or the chairman's office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

**5. Subsection 19 (4) of the said Act is repealed.**

**6. Section 59 of the said Act is amended by adding thereto the following subsection:**

Revenues  
and  
expenditures  
R.S.O. 1980,  
c. 203

(2) The revenues and expenditures of a home maintained by the District Corporation under the *Homes for the Aged and Rest Homes Act* may be included in the general revenues and expenditures of the District Corporation and the District Corporation shall not be required to maintain a separate bank account in relation thereto.

**7. Subsection 82 (4) of the said Act is amended by striking out "Part" in the third line and inserting in lieu thereof "Parts III and".**

**8. Clause 89 (c) of the said Act is amended by striking out "at a public meeting of the District Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the District Council".**

**9.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 65, section 6, is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 302

(1) Section 5, Parts XIII, XIV and XIX, sections 104a, 105, 106, 113, 115, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph (iii) of paragraph 62 and subparagraph (ii) of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

**(2) Subsection 108 (6) of the said Act is repealed and the following substituted therefor:**

Application  
of  
R.S.O. 1980,  
c. 65

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Commence-  
ment

**10. This Act comes into force on the day it receives Royal Assent.**

Short title

**11. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1986*.**

## CHAPTER 49

**An Act to amend the Powers of Attorney Act***Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 (1) of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by inserting after “terminated” in the first line “or revoked or becomes invalid” and by inserting after “termination” in the fifth line “revocation or invalidity”.

**2.** This Act shall be deemed to have come into force on the 20th day of December, 1979. Commence-  
ment

**3.** The short title of this Act is the *Powers of Attorney Amendment Act, 1986*. Short title





## CHAPTER 50

**An Act to amend the  
Municipality of Metropolitan Toronto Act**

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Clause 39 (1) (c) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (c) the undertaking or financing of works under Part IV or of sewage works of the area municipalities;
- (d) the establishment of such reserve funds as the Metropolitan Council considers proper, to be used at any future time for any purpose mentioned in clause (a), (b) or (c) or for the stabilization of rates,

**2. This Act comes into force on the day it receives Royal Assent.** Commence-  
ment

**3. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1986*.** Short title



## CHAPTER 51

### An Act to amend the Employment Standards Act

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

(na) "severance pay" means the amount of pay to which an employee is entitled under section 40a.

**2. Subsection 7 (4) of the said Act is repealed and the following substituted therefor:**

(4) Any payment to which an employee is entitled upon termination of employment, other than termination pay and severance pay, shall be paid by the employer to the employee not later than seven days after termination of employment.

Payment on  
termination

(5) Every contract of employment shall be deemed to include the following provision:

Deemed term  
of  
employment  
contract

All severance pay and termination pay become payable and shall be paid by the employer to the employee in two weekly instalments beginning with the first full week following termination of employment and shall be allocated to such weeks accordingly. This provision does not apply to severance pay if the employee has elected to maintain a right of recall as provided in subsection 40a (7) of the *Employment Standards Act*.

(6) For the purposes of subsections (4) and (5), if an employer provides payments on termination in excess of those required by section 40 or section 40a, the entire amount so provided shall be deemed to be severance pay or termination pay, as the case may be.

Extended  
application

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Employment Standards Amendment Act, 1986*.

## CHAPTER 52

**An Act to change the name of  
the geographic township of Stalin  
to the geographic township of Hansen**

*Assented to November 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The name of the geographic township of Stalin in the Territorial District of Sudbury is hereby changed to the geographic township of Hansen.

**2.** Any reference to the geographic township of Stalin in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to the geographic township of Hansen.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** The short title of this Act is the *Geographic Township of Hansen Act, 1986*. Short title





## CHAPTER 53

### **An Act to amend the Succession Law Reform Act**

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) Clauses 1 (1) (a) and (c) of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:**

(a) “child” includes a child conceived before and born alive after the parent’s death;

. . . . .

(c) “issue” includes a descendant conceived before and born alive after the person’s death.

**(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:**

(fa) “spouse” means either of a man and woman who,

(i) are married to each other, or

(ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

**(3) Section 1 of the said Act is amended by adding thereto the following subsection:**

(1a) In the definition of “spouse”, a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Polygamous  
marriages

**2. Clauses 57 (a), (b), (d), (f) and (g) of the said Act are repealed and the following substituted therefor:**

- (a) “child” means a child as defined in clause 1 (1) (a) and includes a grandchild and a person whom the deceased has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;
- (b) “cohabit” means to live together in a conjugal relationship, whether within or outside marriage;

.....

- (d) “dependant” means,
  - (i) the spouse of the deceased,
  - (ii) a parent of the deceased,
  - (iii) a child of the deceased, or
  - (iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his or her death;

.....

- (f) “parent” includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his or her family, except under an arrangement where the deceased was placed for valuable consideration in a foster home by a person having lawful custody;
- (g) “spouse” means a spouse as defined in subsection 1 (1) and in addition includes either of a man and woman who,
  - (i) were married to each other by a marriage that was terminated or declared a nullity, or
  - (ii) are not married to each other and have cohabited,

- (A) continuously for a period of not less than three years, or
- (B) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

**3. Subsection 58 (2) of the said Act is repealed and the following substituted therefor:**

(2) An application for an order for the support of a dependant may be made by the dependant or the dependant's parent. Applicants

(2a) An application for an order for the support of a dependant may also be made by one of the following agencies: Idem

- (a) the Ministry of Community and Social Services in the name of the Minister;
- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;
- (c) a district welfare administration board under the *District Welfare Administration Boards Act*; or R.S.O. 1980, c. 122
- (d) a band approved under section 15 of the *General Welfare Assistance Act*, R.S.O. 1980, c. 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant. R.S.O. 1980, cc. 151, 188

**4. Section 62 of the said Act is repealed and the following substituted therefor:**

**62.**—(1) In determining the amount and duration, if any, of support, the court shall consider all the circumstances of the application, including, Determination of amount

- (a) the dependant's current assets and means;
- (b) the assets and means that the dependant is likely to have in the future;

- (c) the dependant's capacity to contribute to his or her own support;
- (d) the dependant's age and physical and mental health;
- (e) the dependant's needs, in determining which the court shall have regard to the dependant's accustomed standard of living;
- (f) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (g) the proximity and duration of the dependant's relationship with the deceased;
- (h) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions;
- (i) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property or business;
- (j) a contribution by the dependant to the realization of the deceased's career potential;
- (k) whether the dependant has a legal obligation to provide support for another person;
- (l) the circumstances of the deceased at the time of death;
- (m) any agreement between the deceased and the dependant;
- (n) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order;
- (o) the claims that any other person may have as a dependant;
- (p) if the dependant is a child,
  - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
  - (ii) the child's need for a stable environment;

- (q) if the dependant is a child of the age of sixteen years or more, whether the child has withdrawn from parental control;
- (r) if the dependant is a spouse,
  - (i) a course of conduct by the spouse during the deceased's lifetime that is so unconscionable as to constitute an obvious and gross repudiation of the relationship,
  - (ii) the length of time the spouses cohabited,
  - (iii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
  - (iv) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
  - (v) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
  - (vi) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse had devoted the time spent in performing that service in remunerative employment and had contributed the earnings to the family's support,
  - (vii) the effect on the spouse's earnings and career development of the responsibility of caring for a child,
  - (viii) the desirability of the spouse remaining at home to care for a child; and
- (s) any other legal right of the dependant to support, other than out of public money.

(2) In addition to the evidence presented by the parties, the court may direct other evidence to be given as the court considers necessary or proper. Evidence

Idem

(3) The court may accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable, for making the dispositions in his or her will, or for not making adequate provision for a dependant, as the case may be, including any statement in writing signed by the deceased.

Idem

(4) In estimating the weight to be given to a statement referred to in subsection (3), the court shall have regard to all the circumstances from which an inference can reasonably be drawn as to the accuracy of the statement.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** The short title of this Act is the *Succession Law Reform Amendment Act, 1986*.

## CHAPTER 54

### An Act to amend the Off-Road Vehicles Act, 1983

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause 1 (h) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is amended by striking out “municipal law enforcement officer” in the second line.

**2.—(1)** Clause 2 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) on a highway, if the vehicle is designed to travel on more than two wheels and the driver is,

(i) a farmer using the vehicle for agricultural purposes, or

(ii) a person licensed under the *Game and Fish Act* to hunt or trap fur-bearing animals while using the vehicle for hunting or trapping fur-bearing animals,

R.S.O. 1980,  
c. 182

and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

**(2)** Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, a self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to an off-road vehicle designated by regulation as a vehicle of a class of off-road vehicle that is exempt from section 3 of this Act.

Application

R.S.O. 1980,  
c. 198



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Off-Road Vehicles Amendment Act, 1986*.

## CHAPTER 55

**An Act to amend the  
Municipality of Metropolitan Toronto Act**

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Part I of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

**24a.**—(1) The Metropolitan Council and the council of each area municipality may pass by-laws for providing pensions for members of the Metropolitan Council or the council of the area municipality, as the case may be, and their surviving spouses and children in respect of both current and prior service on council in an amount not exceeding 1.5 per cent of pensionable earnings multiplied by the total number of years and part of a year of credited service up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the *Ontario Municipal Employees Retirement System Act*.

Supple-  
mentary  
pensions,  
members of  
council

R.S.O. 1980,  
c. 348

(2) In subsection (1), “credited service” and “pensionable earnings” have the same meaning as in Regulation 724 of Revised Regulations of Ontario, 1980 made under the *Ontario Municipal Employees Retirement System Act*.

Definitions

(3) A by-law passed under subsection (1) may provide that a member of council shall contribute up to 50 per cent of any payments required in respect of benefits for prior service on council and that such payments may be on a deferred basis.

Prior  
service

(4) A by-law passed under subsection (1) may be amended to vary the amounts of the pensions under that subsection or the payments required by subsection (3).

Amendments  
to by-law

(5) No by-law under subsection (1) and no by-law amending such a by-law shall be passed except on an affirmative vote

Two-thirds  
vote required

of at least two-thirds of the council present and voting thereon.

Adminis-  
tration

(6) The Metropolitan Corporation or the area municipality, as the case may be, and the Ontario Municipal Employees Retirement Board or any other qualified person may enter into agreements to administer pensions provided under this section.

Idem

(7) The Metropolitan Corporation and any area municipality may enter into agreements to administer pensions provided under this section and such agreement may authorize the Metropolitan Corporation or the area municipality, as the case may be, to enter an agreement under subsection (6) with respect to pensions administered under an agreement made under this subsection.

Deductions

(8) The Metropolitan Corporation or the area municipality, as the case may be, shall deduct by instalments from the remuneration of a member of council the amount that the member is required to pay under the terms of a pension plan established under this section.

Non-  
application  
R.S.O. 1980,  
c. 347

(9) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to pensions provided under this section.

Transition

(10) A pension may be provided under this section to a person who was a member of council on the 30th day of November, 1985, notwithstanding that the person is not a member of council on the day the by-law establishing the pension plan is passed and the pension may be paid retroactive to the 1st day of December, 1985.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1986 (No. 2)*.

## CHAPTER 56

### An Act to amend the Time Act

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Time Act*, being chapter 501 of the Revised Statutes of Ontario, 1980, is amended by striking out "time reckoned as standard time" in the seventh and eighth lines and inserting in lieu thereof "the time in effect as provided by this Act".

**2.** Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Daylight saving time shall be reckoned as one hour ahead of standard time. Daylight saving time

(4) The time in effect shall be, Time in effect

(a) daylight saving time during the period between 2 a.m. standard time on the first Sunday in April and 2 a.m. daylight saving time on the last Sunday in October; and

(b) standard time during the rest of the year.

(5) The Lieutenant Governor in Council may make regulations varying the reckoning of standard time and daylight saving time as fixed by subsection (1), (2) or (3) and varying the time in effect as fixed by subsection (4). Power to vary

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** The short title of this Act is the *Time Amendment Act, 1986*. Short title



## CHAPTER 57

**An Act to amend the  
Business Corporations Act, 1982**

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of the *Business Corporations Act, 1982*, being chapter 4, is repealed and the following substituted therefor:

**2.**—(1) This Act, except where it is otherwise expressly provided, applies to every body corporate with share capital, Application

- (a) incorporated by or under a general or special Act of the Parliament of the former Province of Upper Canada;
- (b) incorporated by or under a general or special Act of the Parliament of the former Province of Canada that has its registered office and carries on business in Ontario; or
- (c) incorporated by or under a general or special Act of the Legislature,

but this Act does not apply to a corporation within the meaning of the *Loan and Trust Corporations Act* except as provided by that Act.

R.S.O. 1980,  
c. 249

(2) Notwithstanding *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, and subject to subsection 167 (5), this Act applies to a body corporate with share capital that is a company as defined in that Act but that is not engaged in constructing or operating a railway, street railway or incline railway. Idem

(3) This Act does not apply to a body corporate with share capital that, Idem

R.S.O. 1980,  
c. 95

- (a) is a company within the meaning of the *Corporations Act* and has objects in whole or in part of a social nature;

R.S.O. 1980,  
c. 91

- (b) is a corporation to which the *Co-operative Corporations Act* applies;

- (c) is a corporation that is an insurer within the meaning of subsection 141 (1) of the *Corporations Act*; or

R.S.O. 1980,  
c. 102

- (d) is a corporation to which the *Credit Unions and Caisses Populaires Act* applies.

**2. Subsections 14 (1) and (4) of the said Act are repealed and the following substituted therefor:**

Registered  
office

- (1) A corporation shall at all times have a registered office in the municipality or geographic township within Ontario specified in its articles or in a special resolution made under subsection (4).

Change of  
registered  
office

- (4) A corporation may by special resolution change the municipality or geographic township in which its registered office is located to another place in Ontario and, if it does so, shall file a certified copy of the resolution with the Director within ten days after passing the resolution.

Validity

- (5) Failure to file as set out in subsection (3) or (4) does not affect the validity of the resolution.

**3. Subsections 25 (1), (4) and (5) of the said Act are repealed and the following substituted therefor:**

Special  
shares  
in series

- (1) The articles, subject to the limitations set out in them,
- (a) may authorize the issue of any class of shares in one or more series and may fix the number of shares in, and determine the designation, rights, privileges, restrictions and conditions attaching to the shares of, each series; and
- (b) may, where the articles authorize the issue of any class of shares in one or more series, authorize the directors to fix the number of shares in, and to determine the designation, rights, privileges, restric-



tions and conditions attaching to the shares of each series.

(4) Where, in respect of a series of shares, the directors exercise the authority conferred on them, before the issue of shares of such series, the directors shall send to the Director articles of amendment in the prescribed form designating such series.

Articles  
designating  
special shares

(5) On receipt of articles of amendment designating a series of shares under subsection (4), the Director shall endorse thereon, in accordance with section 272, a certificate which shall constitute the certificate of amendment.

Certificate  
re special  
shares

**4. Subsection 38 (1) of the said Act is repealed and the following substituted therefor:**

(1) Subject to its articles and any unanimous shareholder agreement, the directors may declare and a corporation may pay a dividend by issuing fully paid shares of the corporation or options or rights to acquire fully paid shares of the corporation and, subject to subsection (3), a corporation may pay a dividend in money or property.

Declaration  
of dividends

**5.—(1) Clause 42 (2) (c) of the said Act is amended by inserting after “any” in the second line “prescribed class of” and by striking out “as a dealer” in the fifth and sixth lines.**

**(2) Subsection 42 (3) of the said Act is repealed and the following substituted therefor:**

(3) Nothing in clause (2) (c) or (d) authorizes a corporation to impose restrictions on the issue, transfer or ownership of shares of any class or series of which any shares are outstanding unless,

Application  
of  
subs. (2)  
(c, d)

- (a) in the case of restrictions in respect of a class, the shares of the class; or
- (b) in the case of restrictions in respect of a series, the shares of the series,

are already subject to restrictions for the purpose described in clause (2) (c) or (d).

**(3) Clause 42 (4) (b) of the said Act is repealed and the following substituted therefor:**

- (b) prohibit the ownership of its shares,

**6. Subsection 45 (1) of the said Act is repealed and the following substituted therefor:**

Restricted  
shares held  
in contraven-  
tion—sale by  
corporation

(1) A corporation that has restrictions on the issue, transfer or ownership of its shares of any class or series in order to assist the corporation or any of its affiliates or associates to qualify,

R.S.O. 1980,  
c. 466

- (a) under the *Securities Act* or similar legislation of a province or territory to obtain, hold or renew registration; or
- (b) for membership in a stock exchange in Ontario recognized as such by the Commission,

by reason of limiting to a specified level the ownership of its shares by any prescribed class of person or,

- (c) under any prescribed Act of Canada or a province or ordinance of a territory to receive licences, permits, grants, payments or other benefits by reason of attaining or maintaining a specified level of Canadian ownership or control,

may, for a purpose set out in clause (a), (b) or (c) or, in the case of a corporation under clause (c), for the purpose of attaining or maintaining a level of Canadian ownership or control specified in its articles, under such conditions and after giving such notice as may be prescribed, sell, as if it were the owner thereof, any of the restricted shares that are owned, or that the directors determine in such manner as may be prescribed may be owned, contrary to the restrictions.

**7.—(1) Clauses 53 (1) (d), (f), (g), (n) and (u) of the said Act are repealed and the following substituted therefor:**

- (d) “*bona fide purchaser*” means a purchaser for value, in good faith and without notice of any adverse claim,
  - (i) who takes delivery of a security certificate in bearer form or order form or of a security certificate in registered form issued to him or endorsed to him or endorsed in blank,

- (ii) in whose name an uncertificated security is registered or recorded in records maintained by or on behalf of the issuer as a result of the issue or transfer of the security to him, or
  - (iii) who is a transferee or pledgee as provided in section 85;
- . . . . .
- (f) “clearing agency” means a person designated as a recognized clearing agency by the Commission;
  - (g) “custodian” means a person acting as a custodian for a clearing agency;
- . . . . .
- (n) “issuer” means a body corporate,
    - (i) that is required by this Act to maintain a securities register,
    - (ii) that directly or indirectly creates fractional interests in its rights or property and issues security certificates or uncertificated securities as evidence of the fractional interests,
    - (iii) that places or authorizes the placing of its name on a security certificate, otherwise than as an authenticating trustee, registrar or transfer agent, or that otherwise authorizes the issue of a security certificate or an uncertificated security evidencing a share, participation or other interest in its property or in an enterprise or evidencing its duty to perform an obligation, or
    - (iv) that becomes responsible for or in place of any other person described as an issuer in this Part;
- . . . . .
- (u) “security” means a share, participation or other interest in property, rights or an enterprise of an issuer, or an obligation of an issuer, or any right to acquire such a share, participation, interest or obligation, of a type commonly dealt in upon securities exchanges or markets or commonly recognized as a

medium for investment in any area in which it is issued or dealt in;

- (ua) “security certificate” means an instrument in bearer, order or registered form, issued by an issuer evidencing a security.

**(2) Subsection 53 (1) of the said Act is amended by adding thereto the following clause:**

- (xa) “uncertificated security” means a security, not evidenced by a security certificate, the issue and any transfer of which is registered or recorded in records maintained for that purpose by or on behalf of the issuer.

**8. Subsection 56 (8) of the said Act is repealed and the following substituted therefor:**

Notice of  
restrictions

(8) Where the articles of a corporation restrict the issue, transfer or ownership of shares of any class or series for a purpose set out in clause 42 (2) (c) or (d), the restriction or a reference to it shall be noted conspicuously on every share certificate of the corporation evidencing a share that is subject to the restriction where the certificate is issued after the day on which the share becomes subject to the restriction under this Act and any reference to the restriction shall include a statement that the corporation will furnish to a shareholder, on demand and without charge, a full copy of the text of the restriction.

**9.—(1) Subsection 85 (1) of the said Act is repealed and the following substituted therefor:**

Transfer  
through  
clearing  
agency

(1) If a security shown in the records of a clearing agency is evidenced by,

- (a) a security certificate in the custody of the clearing agency or a custodian or of a nominee of either, subject to the instructions of the clearing agency, and is in bearer form or endorsed in blank by an appropriate person or registered in the name of the clearing agency or a custodian or of a nominee of either; or
- (b) an uncertificated security registered or recorded in records maintained by or on behalf of the issuer in the name of the clearing agency or a custodian or of a nominee of either, subject to the instructions of the clearing agency,

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of an appropriate entry in the records of the clearing agency.

**(2) Subsection 85 (5) of the said Act is repealed and the following substituted therefor:**

(5) A person depositing a security certificate or an uncertificated security with a clearing agency, or a transferee or pledgee of a security under this section, is a holder of the security and shall be deemed to have possession of the security so deposited, transferred or pledged, as the case may be, for all purposes, including, if a pledge or the creation of a security interest is intended, for the purposes of the *Personal Property Security Act*. Holder  
R.S.O. 1980,  
c. 375

**(3) Subsection 85 (8) of the said Act is repealed and the following substituted therefor:**

(8) In this section,

Definitions

“issuer” includes a person, other than an individual, and a government or agency thereof,

- (a) that is required by this Act to maintain a securities register,
- (b) that directly or indirectly creates fractional interests in its rights or property and issues security certificates or uncertificated securities as evidence of the fractional interests,
- (c) that places or authorizes the placing of its name on a security certificate, otherwise than as an authenticating trustee, registrar or transfer agent, or that otherwise authorizes the issue of a security certificate or an uncertificated security evidencing a share, participation or other interest in its property or in an enterprise or evidencing its duty to perform an obligation, or
- (d) that becomes responsible for or in place of any other person described as an issuer in this section; and

“security”, “security certificate” and “uncertificated security”, in addition to the meaning each has for the purposes of Part VI, are extended to include a security, security certificate or uncertificated security, as the case may be, of an issuer within the meaning of this section.

**10.** Subsection 96 (4) of the said Act is amended by striking out “subsection 111 (1)” in the fifth line and inserting in lieu thereof “section 111”.

**11.** Section 125 of the said Act is amended by adding thereto the following subsections:

Articles amendment

(1a) Where a corporation has increased or decreased the number of directors by special by-law under a predecessor of this Act, the special by-law shall be deemed to constitute an amendment to its articles.

.....

Idem

(2a) Where no resolution has been passed under subsection (2), the number of directors of the corporation shall be the number of directors named in its articles.

**12.** Subsections 126 (4) and (6) of the said Act are repealed and the following substituted therefor:

Idem

(4) Where a corporation has fewer than three directors, all directors must be present at any meeting of directors to constitute a quorum.

.....

Transacting business

(6) Directors, other than directors of a non-resident corporation, shall not transact business at a meeting of directors unless a majority of directors present are resident Canadians or, where a corporation has fewer than three directors, one of the directors present is a resident Canadian.

**13.** Clauses 138 (2) (c) and (d) of the said Act are repealed and the following substituted therefor:

- (c) a person is deemed to own beneficially, voting securities beneficially owned by a body corporate controlled by him directly or indirectly; and
- (d) a body corporate is deemed to own beneficially, voting securities beneficially owned by its affiliates.

**14.** The said Act is amended by adding thereto the following section:

Resignation of auditor

**149a.** A resignation of an auditor becomes effective at the time a written resignation is sent to the corporation or at the time specified in the resignation, whichever is later.



**15.—(1)** Section 167 of the said Act is amended by adding thereto the following subsection:

(1a) Where the directors are authorized by the articles to divide any class of unissued shares into series and determine the designation, rights, privileges, restrictions and conditions thereof, they may authorize the amendment of the articles to so provide. Idem

(2) Subsection 167 (4) of the said Act is amended by inserting after “subsection” in the second line “(1a) or”.

**16.** Subsection 181 (7) of the said Act is repealed.

**17.** Section 184 of the said Act is amended by adding thereto the following subsections:

(6a) The execution or exercise of a proxy does not constitute a written objection for purposes of subsection (6). Idem

(7a) A notice sent under subsection (7) shall set out the rights of the dissenting shareholder and the procedures to be followed to exercise those rights. Idem

**18.** Subsection 239 (1) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

(1) Where sufficient cause is shown to the Director, notwithstanding the imposition of any other penalty in respect thereof and in addition to any rights he may have under this or any other Act, he may, after he has given the corporation an opportunity to be heard, by order, upon such terms and conditions as he thinks fit, cancel a certificate of incorporation or any other certificate issued or endorsed under this Act or a predecessor of this Act, and, Cancellation  
of  
certificate,  
etc., by  
Director

**19.** Subsection 241 (1) of the said Act is amended by striking out “under section 238, 239 or 240” in the second line and inserting in lieu thereof “under this Act”.

**20.** Clause 257 (1) (c) of the said Act is amended by striking out “subsection 111 (1)” in the fourth line and inserting in lieu thereof “section 111”.

**21.** Section 269 of the said Act is amended by adding thereto the following subsection:



Privileged  
documents

(3) Subsections (1) and (2) do not apply in respect of documents and financial statements required, by this Act or the regulations, to be filed with the Director with an application for exemption from the requirements of Part XII of this Act.

**22. Paragraphs 6 and 25 of section 271 of the said Act are repealed and the following substituted therefor:**

6. prescribing the form and content of information circulars and proxies required by Part VIII and the discretionary authority that may be conferred in proxies;

. . . . .

- 17a. prescribing that, for the purposes of Part XII of this Act, the standards, as they exist from time to time, of a prescribed accounting body shall be followed;

. . . . .

25. prescribing, with respect to a corporation that has imposed restrictions on the issue, transfer or ownership of its shares for a purpose under subsection 42 (2),

- i. the disclosure required of the restrictions in documents issued or published by the corporation,

- ii. the duties and powers of the directors to refuse to issue or register transfers of shares in accordance with the articles of the corporation,

- iii. the limitations on voting rights of any shares held contrary to the articles of the corporation, and

- iv. the powers of the directors to require disclosure of beneficial ownership of shares of the corporation and the rights of the corporation and its directors, employees or agents to rely on the disclosure and the effects of the reliance;

- 25a. prescribing persons or classes of persons for the purpose of clause 42 (2) (c) and prescribing the

manner of computing the ownership of shares of a corporation by persons for such purpose;

. . . . .

27. prescribing classes of persons for the purposes of subparagraph ii of paragraph 37 of subsection 1 (1);
28. prescribing any matter referred to in this Act as prescribed by the regulations.

**23.** Subsection 273 (1) of the said Act is repealed and the following substituted therefor:

(1) Where a certificate endorsed or issued under this Act or a predecessor of this Act contains an error or where a certificate has been endorsed or issued on articles or any other documents that contain an error,

Where error  
in respect of  
certificate

- (a) the corporation, its directors or shareholders may apply to the Director for a corrected certificate and shall surrender the certificate and related articles or documents; or
- (b) the corporation shall upon the request of the Director surrender the certificate and related articles or documents,

and, after giving the corporation an opportunity to be heard, where the Director is of the opinion that it is appropriate to so do and is satisfied that such steps have been taken by the corporation as the Director required, the Director shall endorse a corrected certificate.

**24.—(1)** This Act, except sections 18 and 23, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

(2) Sections 18 and 23 shall be deemed to have come into force on the 29th day of July, 1983.

Idem

**25.** The short title of this Act is the *Business Corporations Amendment Act, 1986*.

Short title



## CHAPTER 58

### An Act to amend the Homemakers and Nurses Services Act

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of the *Homemakers and Nurses Services Act*, being chapter 200 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**5.** A municipality, the council of a band or such other person or organization as the Minister may designate may employ homemakers or nurses or both for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services that may be provided under this Act for such person as may be agreed upon.

Provision of  
services

**2.** Section 6 of the said Act is amended by striking out "this Act" in the second line and inserting in lieu thereof "section 5".

**3.** Section 7 of the said Act is amended by striking out "this Act" in the first and second lines and inserting in lieu thereof "section 5".

**4.** The said Act is amended by adding thereto the following section:

**7a.**—(1) The Minister may provide for the furnishing of the services of homemakers by such persons or organizations as the Minister may approve to such persons or classes of persons prescribed by the regulations.

Provision  
of services  
by health  
organizations

(2) The Minister may designate the Minister of Health to provide for the furnishing of the services of homemakers by such persons or organizations as the Minister of Health may approve to such persons or classes of persons prescribed by the regulations.

Idem

Idem

(3) A person or organization approved by the Minister under subsection (1) or by the Minister of Health under subsection (2) may enter into an agreement with any person or organization for the furnishing of the services of a homemaker.

**5. Section 8 of the said Act is amended by adding thereto the following subsection:**

Idem

(2) Notwithstanding subsection (1), an application for the services of a homemaker furnished directly or indirectly by a person or organization approved by the Minister or the Minister of Health under section 7a or a person or organization other than a municipality or the council of a band designated by the Minister under section 5 shall be made to that person or organization.

**6.—(1) Subsection 9 (1) of the said Act is repealed and the following substituted therefor:**

Payment  
for  
services

(1) A person who applies for the services of a homemaker or nurse under section 5 and receives the services,

- (a) from a municipality, the council of a band, an organization designated by the Minister or pursuant to an agreement with the person or an organization; or
- (b) where the applicant resides in territory without municipal organization, provided for by the Minister or pursuant to an agreement with the Minister,

shall pay the fee for the services so long as and to the extent that the person's financial circumstances permit as determined by the regulations.

(2) Subsection 9 (2) of the said Act is amended by striking out "person's" in the first line and by inserting after "circumstances" in the first line "of a person referred to in subsection (1)".

**7.—(1) Section 11 of the said Act is amended by adding thereto the following clause:**

- (ha) providing for the reimbursement by the Province of Ontario to any person or organization approved by the Minister or the Minister of Health under section 7a, providing for the time, method and manner of determining the amount of such reimbursement and the terms and conditions for the payment thereof

and providing for the suspension and withholding of such payments and for making any deductions from such payments.

**(2) Clause 11 (k) of the said Act is repealed and the following substituted therefor:**

- (k) prescribing the conditions, terms and manner under which claims may be submitted to the Province of Ontario for reimbursement of moneys expended for services provided under this Act.

**(3) Clause 11 (m) of the said Act is amended by adding at the end thereof “under section 9”.**

**(4) Clauses 11 (n) and (p) of the said Act are repealed and the following substituted therefor:**

- (n) prescribing services in addition to homemaking services that may be provided by persons other than homemakers to persons eligible for homemaking services under section 7a and prescribing terms and conditions that apply to the provision of those additional services.

**(5) The said section 11 is further amended by adding thereto the following subsection:**

(2) A regulation made under clause (1) (g), (ha), (k) or (n) is, if it so provides, effective with reference to a period before it was filed, but not earlier than the 31st day of March, 1985. Idem

**8. This Act shall be deemed to have come into force on the 31st day of March, 1985.** Commence-  
ment

**9. The short title of this Act is the *Homemakers and Nurses Services Amendment Act, 1986*.** Short title





## CHAPTER 59

### **An Act to amend the Liquor Control Act**

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 4 (3) of the *Liquor Control Act*, being chapter 243 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) The Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may, subject to the approval of the Lieutenant Governor in Council, establish job categories, salary ranges and conditions of employment. Staff

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Liquor Control Amendment Act, 1986*. Short title



## CHAPTER 60

### An Act to amend the Liquor Licence Act

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (8) of the *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(8) The Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may, subject to the approval of the Lieutenant Governor in Council, establish job categories, salary ranges and conditions of employment. Staff

**2.** Section 58 of the said Act is amended by striking out “conclusive” in the sixth line.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** The short title of this Act is the *Liquor Licence Amendment Act, 1986*. Short title



## CHAPTER 61

### An Act to amend the Land Titles Act

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Clause 1 (b) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (b) “land registrar” means a land registrar appointed under the *Registry Act*, in whose land titles division land affected or intended to be affected by any proceeding, instrument, application or plan is or may be registered or deposited.

R.S.O. 1980,  
c. 445

(2) Clause 1 (i) of the said Act is amended by inserting after “97” in the second line “or 97a”.

**2.** Subsection 5 (1) of the said Act is repealed.

**3.** Subsection 9 (1) of the said Act is repealed and the following substituted therefor:

- (1) The Minister may appoint a public servant within the meaning of the *Public Service Act* who is a barrister and solicitor to be the Director of Titles.

Director  
of Titles  
R.S.O. 1980,  
c. 418

**4.—**(1) Subsection 10 (1) of the said Act is repealed and the following substituted therefor:

- (1) The Director of Titles has the authority to determine any matter relating to titles of land to which this Act applies.

Authority of  
Director  
of Titles

(2) Subsection 10 (6) of the said Act is repealed.

(3) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

First  
registration

(8) The Director of Land Registration and the Director of Titles shall perform such functions relating to the first registration of land under this Act as are prescribed.

**5. The said Act is amended by adding thereto the following section:**

Transfer of  
functions to  
Director of  
Land  
Registration

**10a.**—(1) The Minister may make regulations transferring to the Director of Land Registration any function of the Director of Titles that is essentially of an administrative nature under any Act.

Where  
transfer not  
exclusive

(2) A transfer of a function in a regulation made under subsection (1) may, where it expressly so states, retain to the Director of Titles concurrent authority to perform the function transferred.

Statutory  
references

(3) A regulation made under subsection (1) shall identify each function to be transferred by citing the relevant statutory provision.

Deemed  
amendments

(4) Where a function has been transferred, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Land Registration” had been substituted for “Director of Titles”.

Idem

(5) Where a function has been transferred and subsection (2) applies, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Land Registration and Director of Titles” had been substituted for “Director of Titles”.

**6. Subsection 12 (1) of the said Act is repealed.**

**7. Section 15 of the said Act is repealed.**

**8. Subsection 18 (1) of the said Act is amended by adding thereto the following clause:**

(d) a day that is a holiday as prescribed under subsection 97a (4) of the *Registry Act*.

R.S.O. 1980,  
c. 445

**9. Sections 36, 45 and 46 of the said Act are repealed.**

**10. Subsection 144 (5) of the said Act is repealed.**

**11.—(1) Clause 162 (1) (d) of the said Act is repealed.**

(2) Clause 162 (1) (g) of the said Act is amended by adding at the end thereof “or the Director of Land Registration”.

**12.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**13.** The short title of this Act is the *Land Titles Amendment Act, 1986*. Short title





## CHAPTER 62

### An Act to amend the Registry Act

*Assented to November 27th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 6 (1) of the *Registry Act*, being chapter 445 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) The Minister may appoint a public servant within the meaning of the *Public Service Act* to be the Director of Land Registration.

Director of  
Land  
Registration  
R.S.O. 1980,  
c. 418

(2) Section 6 of the said Act is amended by adding thereto the following subsection:

(4) Any power or duty of a land registrar under this or any other Act may be exercised or performed by the Director of Land Registration or by a Deputy Director of Land Registration where, in the opinion of the Director or Deputy Director, having regard to the circumstances, such action is necessary or appropriate.

Authority of  
Director to  
perform  
functions of  
land  
registrars

**2.** The said Act is amended by adding thereto the following section:

**6a.**—(1) The Minister may make regulations transferring any function of the Director of Land Registration under any Act to the Director of Titles.

Transfer of  
functions to  
Director  
of Titles

(2) A transfer of a function in a regulation made under subsection (1) may, where it expressly so states, retain to the Director of Land Registration concurrent authority to perform the function transferred.

Where  
transfer  
not exclusive

(3) A regulation made under subsection (1) shall identify each function to be transferred by citing the relevant statutory provision.

Statutory  
references

Deemed  
amendments

(4) Where a function has been transferred, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Titles” had been substituted for “Director of Land Registration”.

Idem

(5) Where a function has been transferred and subsection (2) applies, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Land Registration or Director of Titles” had been substituted for “Director of Land Registration”.

**3. Subsection 7 (4) of the said Act is repealed.**

**4. Subsection 8 (1) of the said Act is repealed and the following substituted therefor:**

Land  
registrars,  
appoint-  
ment under  
R.S.O. 1980,  
c. 418

(1) There shall be a land registrar appointed under the *Public Service Act* for every registry division and for every land titles division.

Idem

(1a) Every appointment under subsection (1) shall be for a specific division or divisions.

**5. Sections 10, 11 and 12 of the said Act are repealed and the following substituted therefor:**

Where office  
of land  
registrar  
vacant

**10.—(1)** Where the office of land registrar for a registry division or land titles division is vacant,

- (a) the deputy land registrar for that division; or
- (b) if there is more than one deputy land registrar for that division, the senior deputy land registrar,

shall act as the land registrar.

Where land  
registrar  
temporarily  
absent

(2) Where a land registrar is temporarily absent from the land registry office because of vacation, illness, other assignment or any other cause,

- (a) the deputy land registrar for the division; or
- (b) if there is more than one deputy land registrar for that division, the senior deputy land registrar,

shall exercise the powers and perform the duties of the land registrar while the land registrar is absent.

(3) Subsection (1) or (2) does not apply where the Director assigns, on a temporary basis, any person who is a public servant appointed under the *Public Service Act* to act as land registrar or to exercise the powers and perform the duties of the land registrar, as the case may be.

Temporary  
assignment

R.S.O. 1980,  
c. 418

**6.** Subsection 14 (1) of the said Act is amended by adding thereto the following clause:

- (d) a day that is a holiday as prescribed under subsection 97a (4).

**7.** The said Act is further amended by adding thereto the following section:

**73a.**—(1) The examiner of surveys, an assistant examiner of surveys or a person acting under the direction of either of them may, in order to carry out an examination of a plan of survey, for the purposes of this or any other Act, examine the survey on the ground.

Examination  
of survey

(2) Any person referred to in subsection (1), while in the exercise of the powers conferred by subsection (1), may,

Right of  
entry

- (a) at any time enter and pass over the land of any person; or
- (b) at a time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the examination.

(3) Every person who interferes with or obstructs the examiner of surveys, an assistant examiner of surveys or a person referred to in subsection (1) in the exercise of any of the powers conferred by subsection (1) or (2) is guilty of an offence.

Offence

**8.** Clause 96 (1) (d) of the said Act is repealed.

**9.** The said Act is further amended by adding thereto the following section:

**97a.**—(1) The Director may make regulations prescribing the hours during which land registry offices shall be kept open, the hours during which instruments shall be received for registration and setting out services to be provided before or after specified hours.

Regulations  
by Director

Idem

R.S.O. 1980,  
c. 230

(2) Notwithstanding subsection 14 (2) of this Act and subsection 18 (2) of the *Land Titles Act*, the Director may make regulations providing for the registration of instruments outside the prescribed hours and setting out conditions for such registration.

Application

(3) The application of any provision of a regulation made under subsection (1) or (2) may be limited to one or more land titles or registry divisions and to one or more days of the week or dates of a month.

Extra-  
ordinary  
holidaysR.S.O. 1980,  
c. 230

(4) The Director may make regulations prescribing any day as a holiday for any specified land registry office for the purposes of section 14 of this Act and section 18 of the *Land Titles Act*.

Commence-  
ment

**10. This Act comes into force on the day it receives Royal Assent.**

Short title

**11. The short title of this Act is the *Registry Amendment Act, 1986*.**

## CHAPTER 63

### **An Act to provide for the Regulation of Rents charged for Rental Units in Residential Complexes**

*Assented to December 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“Board” means the Rent Review Hearings Board established under this Act;

“economic loss” means the loss experienced by a landlord whose rate of return on the landlord’s invested equity and capitalized losses in respect of a residential complex is less than the rate of return made applicable to that residential complex by subsection 80 (1), but does not include a financial loss;

“extraordinary operating cost” means a change in the cost of one item in the Building Operating Cost Index that the landlord has experienced or will experience,

- (a) that creates a variance of at least 50 per cent from the Building Operating Cost Index component, or
- (b) that would justify a variance in revenue of at least 1 per cent from the amount resulting from application of the Building Operating Cost Index component;

“financial loss” means the loss experienced by a landlord whose total costs that have been or will be experienced and that are allowed in an application made under this Act in respect of a residential complex for an annual accounting period exceed the revenue for the same period;

“landlord” includes the owner, or other person permitting occupancy of a rental unit, and his or her heirs, assigns, personal representatives and successors in title and a per-

son, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

“mail” means first-class, registered or certified mail;

“maximum rent” means the lawful maximum rent which could be charged for a rental unit had all permissible statutory or other increases which could have been taken on or after the 1st day of August, 1985, been taken;

“Minister” means the Minister of Housing or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;

“Ministry” means the ministry of the Minister;

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

“mobile home park” means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;

“non-profit co-operative housing corporation” means a corporation incorporated without share capital under the *Co-operative Corporations Act* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,

- (a) its activities shall be carried on without the purpose of gain for its members,
- (b) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
- (c) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected



or appointed by the members, or a committee thereof.

- (d) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;

“prescribed” means prescribed by the regulations made under this Act;

“rent” includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or the landlord’s agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his or her occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing but does not include,

- (a) any amount required by the *Retail Sales Tax Act* to be collected from a tenant by a landlord, or R.S.O. 1980,  
c. 454
- (b) any amount paid by a tenant to a landlord to reimburse the landlord for property taxes paid by the landlord to a municipality in respect of a mobile home, or a home which is a permanent structure, owned by a tenant;

“rental unit” means any living accommodation, site for a mobile home or site on which a single family dwelling is a permanent structure used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;

“residential complex” means a building, related group of buildings or mobile home park, in which one or more rental units are located, or a site or related group of sites on each of which site is located a single family dwelling which is a permanent structure and includes all common areas, services and facilities available for the use of residents of the building, buildings, park, site or sites;

“services and facilities” includes,

- (a) furniture, appliances and furnishings,

- (b) parking and related facilities,
- (c) laundry facilities,
- (d) elevator facilities,
- (e) common recreational facilities,
- (f) garbage facilities and related services,
- (g) cleaning or maintenance services,
- (h) storage facilities,
- (i) intercom systems,
- (j) cablevision facilities,
- (k) heating facilities or services,
- (l) air-conditioning facilities,
- (m) utilities and related services,
- (n) security services or facilities;

“statutory increase” means the amount by which the rent charged for a rental unit may be increased without application to the Minister under this Act or may have been increased without application under the *Residential Tenancies Act* or under *The Residential Premises Rent Review Act, 1975 (2nd Session)*;

R.S.O. 1980,  
c. 452  
1975 (2nd  
Sess.), c. 12

“subsidized public housing” means a rental unit rented to persons or families of low or modest income who pay an amount geared-to-income for that unit by reason of public funding provided by the Government of Canada, Ontario or a municipality, including a regional, district or metropolitan municipality, or by any agency thereof, pursuant to the *National Housing Act* (Canada), the *Housing Development Act* or the *Ontario Housing Corporation Act*;

R.S.C. 1970,  
c. N-10  
R.S.O. 1980,  
cc. 209, 339

“tenancy agreement” means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;

“tenant” means a person who pays rent in return for the right to occupy a rental unit and his or her heirs, assigns and personal representatives but does not include a person who has the right to occupy a rental unit by virtue of being a co-

owner of the residential complex in which the rental unit is situate or a shareholder of a corporation that owns the residential complex, and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

**2.—**(1) This Act applies to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary. Application of Act

(2) Where a provision of this Act conflicts with a provision of any other Act, except the *Human Rights Code, 1981*, the provision of this Act applies. Conflict  
1981, c. 53

(3) Notwithstanding subsection (1), where a provision in a written tenancy agreement between a landlord and a tenant conflicts with the provisions of this Act concerning the amount of rent which may be charged for a rental unit, and where the tenancy agreement was entered into before the 2nd day of May, 1985, in respect of a rental unit which was, before the 1st day of August, 1985, exempt from Part XI of the *Residential Tenancies Act* under clause 134 (1) (c), (d) or (e) of that Act, the provision in the agreement applies to the rental unit so long as the tenant who entered into the agreement remains the tenant of the rental unit. Conflict with provision in written agreement  
  
R.S.O. 1980, c. 452

(4) Subsection (3) does not apply to a tenancy agreement that provides for the payment at the commencement of the term of the tenancy of a lump sum as the basic rent for the rental unit for a term of ten or more years and that includes provision for the payment by the tenant on a periodic basis of additional amounts related to the cost of maintenance of common areas and other miscellaneous expenses associated with the rental unit. Where subs. (3) does not apply

(5) Notwithstanding subsection (1), where a written agreement between a landlord and a tenant, entered into before the day this section comes into force, contains a provision requiring the landlord to repay to the tenant any amount of rent that the landlord has charged in excess of that permitted by Part XI of the *Residential Tenancies Act* or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, or permitting the tenant to recover such an amount by deducting a sum from the tenant's rent for a number of rent payment periods, the provision applies notwithstanding anything to the contrary in this Act. Agreement respecting payment of excess rent  
  
R.S.O. 1980, c. 452  
1975 (2nd Sess.), c. 12

**3.** This Act is binding on the Crown. Act binds Crown

**4.—**(1) This Act does not apply to, Exemptions from Act

- (a) transient living accommodation provided in a hotel, motel, inn, tourist home or hostel;
- (b) living accommodation occupied as a vacation home for a seasonal or temporary period;
- (c) living accommodation, whether situate on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;
- (d) living accommodation provided by a non-profit co-operative housing corporation to its members;
- (e) living accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;
- (f) living accommodation established to temporarily shelter persons in need;
- (g) living accommodation provided in connection with the purposes for which the institution is established by a hospital, a nursing home or a home for the aged;
- (h) living accommodation provided by an educational institution to its students or staff where,
  - (i) the living accommodation is provided primarily to persons under the age of majority, or
  - (ii) all major questions related to the living accommodation are decided after consultation with a council or association representing the residents,

unless the living accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households;

- (i) living accommodation situate in a building or project used in whole or in part for non-residential purposes where the occupancy of the living accommodation is necessarily connected with the employment of the occupant in, or the performance by him or her of services related to, a non-residential business or enterprise carried on in the building or project;

- (j) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit.

(2) The Minister, on the application of a landlord or a tenant, or on the Minister's own motion, may make an order under subsection 13 (3) declaring that the Act does not apply to particular transient living accommodation provided in a suite hotel in accordance with the regulations made under this Act.

Order  
declaring  
non-  
application  
of Act to  
suite hotel

- (3) This Act, except sections 5 and 6, does not apply to,

Non-  
application,  
except for  
ss. 5, 6,  
of Act

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, except where otherwise prescribed, but where the tenant occupying the rental unit pays rent to a landlord which is not the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, this Act does apply;
- (b) a rental unit situate in a non-profit housing project, rents for which are subject to the approval of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);
- (c) a rental unit not otherwise exempt from this Act that is provided by an educational institution to a student or member of its staff except that, where there is a council or association representing the residents, the exemption does not apply in respect of a rent increase unless there has been consultation with the council or association respecting the increase;
- (d) a rental unit situate in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis.

R.S.C. 1970,  
c. N-10

Subsidized  
public  
housing

(4) This Act does not apply to an increase in the amount geared-to-income paid by a tenant in subsidized public housing who is occupying a rental unit, other than a unit referred to in clause (3) (a) or (b), but this Act does apply to the unit itself.

## PART I

### NOTICE OF RENT INCREASES

Notice of  
rent increase

**5.**—(1) The rent charged for a rental unit shall not be increased unless the landlord gives the tenant a notice in the prescribed form setting out the landlord's intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, and of the current maximum rent, if it is higher than the current rent, intended to be made not less than ninety days before the end of,

(a) a period of the tenancy; or

(b) the term of a tenancy for a fixed period.

Increase  
void where  
no notice

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection (1) is void.

Notice  
unnecessary  
for new  
tenant

(3) Subsections (1) and (2) do not apply to a rent increase for a rental unit where the rent increase takes effect when a new tenant first occupies the rental unit under a new tenancy agreement.

Notice of  
rent  
increase  
deemed  
in compliance  
with  
R.S.O. 1980,  
c. 232,  
ss. 23,  
129 (1)

(4) A notice of rent increase given in compliance with this section and section 21 or in compliance with subsection 60 (1) and section 99 of the *Residential Tenancies Act* shall be deemed to be and always to have been sufficient notice for the purposes of section 123 and subsection 129 (1) of the *Landlord and Tenant Act*.

Where tenant  
fails to give  
notice of  
termination

**6.**—(1) Where a tenant who has been given a notice of an intended rent increase under section 5 fails to give the landlord proper notice of termination under the *Landlord and Tenant Act*, the tenant shall be deemed to have accepted the amount of rent increase that does not exceed the amount allowed under this Act.

Deemed  
acceptance  
not  
to constitute  
waiver of  
tenant's  
rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in subsection (1) does not constitute a waiver of the tenant's rights to take whatever proceedings are available under this Act in respect of the rent that may be charged for a rental unit.



**7.** Where a notice of an intended rent increase has been given under section 5, a rent increase up to the lesser of,

Rent  
chargeable  
until order  
takes effect

(a) the intended rent increase specified in the notice;  
and

(b) the limit imposed by section 71,

may be charged and collected by the landlord until such time as an order setting the maximum rent that may be charged for the rental unit takes effect.

## PART II

### GENERAL

**8.** The Minister is responsible for the administration of this Act.

Adminis-  
tration

**9.** The Minister may by order establish regions in Ontario for the purposes of this Act.

Minister may  
establish  
regions

**10.** All proceedings under this Act shall be held in the region in which the residential complex in question is situate unless the Minister or the Board, as the case may be, otherwise directs.

Proceedings  
in region

**11.** The Minister shall,

Duties of  
Minister

(a) provide information and advice to the public on all residential tenancy matters including referral where appropriate to social or community services and public housing agencies;

(b) investigate cases of alleged failure to comply with an order made under this Act or to comply otherwise with the provisions of this Act and, where the circumstances warrant, commence or cause to be commenced proceedings in respect of the alleged failure to comply;

(c) take an active role in ensuring, by any suitable method, including the making of grants, that landlords and tenants are aware of the benefits and obligations established by this Act; and

(d) establish such committee or committees as the Minister considers advisable to periodically review and make recommendations, commencing in 1989, to



the Minister concerning the Residential Complex Cost Index and the Building Operating Cost Index.

Delegation

**12.** The Minister may in writing delegate any power or duty granted to or vested in the Minister under this Act to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Exclusive jurisdiction of Minister and Board

**13.—**(1) Subject to subsections (4) and (5), the Minister and, on an appeal or where a matter has been referred to it by the Minister, the Board, have exclusive jurisdiction to examine into and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Minister and the Board.

Procedural and interpretative rules and policies

(2) The Minister and the Board, in the interpretation and administration of this Act or when exercising any power or discretion conferred under this Act, shall observe such procedural and interpretative rules and policies as are prescribed.

Minister may determine application of Act, etc.

(3) The Minister, on the application of a landlord or a tenant, or on the Minister's own motion, may make an order determining,

- (a) whether this Act applies to a particular rental unit or residential complex;
- (b) the rental units, common areas, services and facilities that are included in a particular residential complex;
- (c) whether an agreement referred to in subsection 97 (4) has been entered into as a result of some form of coercion; and
- (d) any other prescribed matter of concern respecting the application of this Act.

No order for payment over \$3,000

(4) In any proceedings under this Act, neither the Minister nor the Board shall make an order for the payment of money in excess of \$3,000, but where the Minister or the Board would be justified in making an order for the payment of money in excess of \$3,000, the person to whom the payment would otherwise be made may, by notice in writing in the prescribed form filed with the Minister or the Board, abandon the excess over \$3,000 and the Minister or the Board in that case may make an order for the payment of \$3,000 to the per-

son and the abandonment extinguishes all rights in respect of the excess.

(5) Where, under this Act, a person claims a sum of money in excess of \$3,000, he or she may institute proceedings therefor in any court of competent jurisdiction and the court may exercise any powers that the Minister or the Board could have exercised had the proceedings been before the Minister or the Board.

Court  
jurisdiction

**14.**—(1) A board to be known as the Residential Rental Standards Board, hereinafter called the Standards Board, is established, composed of such number of members as the Lieutenant Governor in Council appoints.

Residential  
Rental  
Standards  
Board  
established

(2) The Standards Board shall be assisted in the performance of its duties by such officers and employees of the Ministry as the Minister assigns for the purpose.

Assignment  
of staff to  
Standards  
Board

(3) The members of the Standards Board shall be paid such remuneration and expenses as the Lieutenant Governor from time to time determines.

Remunera-  
tion

(4) No action or other proceeding for compensation or damages shall be instituted against the Standards Board or any member of the Standards Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity for  
acts done in  
good faith

**15.**—(1) The Standards Board shall,

Duties of the  
Standards  
Board

- (a) recommend to the Minister the appropriate minimum maintenance standards that should be made applicable to residential complexes and the rental units located therein and appropriate standards relating to the health and safety of the occupants thereof;
- (b) recommend to the Minister the powers and duties that should be conferred or imposed on the Standards Board respecting the development and enforcement of appropriate maintenance standards for residential complexes and the rental units located therein and for standards relating to the health and safety of the occupants thereof;
- (c) recommend to the Minister the form and content of such educational or other programs as will ensure

that landlords and tenants are made aware of the benefits conferred and obligations imposed by the provisions of this Act respecting maintenance standards and their enforcement;

- (d) recommend to the Minister methods of providing for recognition of the importance of dialogue between the landlord and the tenants occurring on a meaningful and timely basis regarding proposed capital expenditures in respect of a residential complex while at the same time acknowledging the rights and responsibilities of landlords to manage their buildings;

- (e) receive a copy of any order relating to a residential complex or any rental unit located therein,

1983, c. 1

- (i) issued by a property standards officer under a by-law passed under section 31 of the *Planning Act, 1983* or a predecessor thereof or passed under any special Act respecting standards for maintenance and occupancy that is in force in a municipality, or

- (ii) made under the provisions of any general or special Act, or any by-law passed thereunder, respecting standards relating to the health or safety of occupants of buildings or structures,

and any notices of appeal from such an order;

- (f) receive and investigate any written complaint from a current tenant of a rental unit respecting the standard of maintenance that prevails in respect of the rental unit or residential complex in which the rental unit is located, where minimum maintenance standards adopted by the Standards Board under the authority of subsection 16 (1) are in force in the area in which the residential complex is situate.

Where  
Standards  
Board  
receives copy  
of main-  
tenance order

(2) Where the Standards Board receives a copy of an order referred to in clause (1) (e), the Standards Board shall determine whether the standard or standards to which the order relates is or are substantial and if so may cause such investigation to be made as the Standards Board considers necessary to enable it to determine whether or not the order has been complied with in accordance with its terms, and if not, whether the non-compliance is substantial.

(3) Where the Standards Board determines under subsection (2) that substantial non-compliance with a substantial standard has occurred and is subsisting, the Standards Board shall give to the Minister a report in writing setting out the findings of the Standards Board in respect of the matter and shall at the same time give a copy of the report to the landlord of the residential complex and to the tenant of any rental unit affected thereby.

Report to  
the Minister

(4) Where the report received by the Minister under subsection (3) indicates that substantial non-compliance with a substantial standard has occurred and is subsisting, the Minister, on his or her own motion, may order that any increase in the rent for a rental unit in the residential complex affected by the maintenance and occupancy order,

Order that  
rent increase  
be not  
collected

- (a) that will take effect on or after the date of the Minister's order; or
- (b) that took effect at any time in the nine-month period preceding the date of the Minister's order,

be not collected by the landlord until the Minister either receives a report from the Standards Board that the residential complex and any affected rental unit located therein are in substantial compliance with the provisions of the maintenance and occupancy order or so determines under subsection (8).

(5) Where the Minister makes an order under subsection (4) to which clause (b) thereof applies, the order shall specify the date the report of the Standards Board is given to the Minister under subsection (3) as the date on or after which the landlord may not collect an increase in rent.

Date after  
which  
landlord may  
not collect  
rent increase

(6) Where the tenant of a rental unit affected by an order of the Minister made under subsection (4) has paid to the landlord any amount of an increase in rent that is declared by the order not to be collected, the Minister shall order the landlord to repay to the tenant the amount of the increase in rent that was paid.

Order for  
repayment of  
rent increase

(7) An order made by the Minister under subsection (4) may provide that where a report from the Standards Board that the residential complex and the rental units situate therein are in substantial compliance with the provisions of the maintenance and occupancy order is not received by the Minister, or where the Minister does not so determine under subsection (8), within such period of time as the Minister specifies in the order, the right of the landlord to collect any increase in the rent for a rental unit situate in the residential

Collection of  
rent increase  
forfeited

complex is forfeit and no increase in the rent for such a rental unit may be collected by the landlord except in respect of a period commencing after the day the Minister either receives such a report from the Standards Board or determines under subsection (8) that there is substantial compliance.

Notice to  
Minister of  
completion of  
work

(8) Where a landlord to whom an order has been given under subsection (4) completes the work in respect of which the order was made, the landlord may give a notice to that effect to the Minister and thereupon or where for any other reason the Minister considers it desirable to do so, the Minister may inspect or cause to be inspected the work to determine whether there is substantial compliance with the maintenance and occupancy order for the purposes of subsection (4) or (7).

Matters  
taken into  
account by  
Minister

(9) In deciding whether to make an order under subsection (4), or to include the provision authorized by subsection (7), the Minister shall take into account,

- (a) the nature of the work required to be performed to comply with the maintenance and occupancy order and the history of the matter that is the subject of that order;
- (b) actual seasonal factors and financial constraints affecting the ability of the landlord to perform the required work; and
- (c) the availability of the persons and materials required to perform the required work.

Effect of  
order under  
R.S.O. 1980,  
c. 232, s. 96

(10) The Minister shall not make an order under subsection (4) where an order has been made under section 96 of the *Landlord and Tenant Act* and where compliance with that order would afford an adequate remedy to the tenant of any affected rental unit.

Inspection

(11) Subject to subsection (12), any member of the Standards Board and any employee of the Ministry assigned by the Minister to assist the Standards Board in the exercise of its powers under this Act may, on giving adequate prior written notice of the intention to do so, at reasonable times and upon producing proper identification, enter and inspect any residential complex or rental unit located therein.

Entry into  
dwelling  
place  
R.S.O. 1980,  
c. 400

(12) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, a member of the Standards Board or an employee of the Ministry referred to in subsection (11) shall not enter any room or place actually



used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

**16.**—(1) The Standards Board shall develop and adopt such minimum maintenance standards as it considers appropriate to make applicable to residential complexes and the rental units located therein that are situate in an area,

Adoption of  
minimum  
maintenance  
standards

- (a) where no by-law passed under section 31 of the *Planning Act, 1983* or a predecessor thereof or passed under any special Act respecting standards for maintenance and occupancy is in force;
- (b) where, although such a by-law is in force, the maintenance standards set out in it are, in the opinion of the Standards Board arrived at after consultation with the council of the municipality concerned, inappropriate for the purposes of this Act; or
- (c) where, although such a by-law is in force, the methods of enforcement of the by-law are, in the opinion of the Minister arrived at after consultation with the council of the municipality concerned, inappropriate for the purposes of this Act.

1983, c. 1

(2) Upon adopting minimum maintenance standards under subsection (1), the Standards Board shall cause the standards to be published in *The Ontario Gazette* and shall give such further notice thereof as the Standards Board considers appropriate to bring the standards to the attention of landlords of residential complexes and the tenants of the rental units located therein that are affected thereby.

Notice

(3) Upon receiving a complaint under clause 15 (1) (f), the Standards Board shall cause such investigation to be made as the Standards Board considers necessary to enable it to determine whether there exists substantial non-compliance with a substantial maintenance standard adopted by the Standards Board.

Investigation

(4) Where the Standards Board is satisfied that there exists in respect of a residential complex or the rental units located therein substantial non-compliance with a substantial maintenance standard adopted by the Standards Board, the Standards Board may make and give or cause to be given to the landlord of the residential complex an order containing,

Contents of  
order

- (a) the municipal address or legal description of the residential complex;
- (b) reasonable particulars of the work to be performed and the period within which there must be compliance with the terms of the order; and
- (c) the time limited for applying to the Minister for a review of the order.

Application  
for review of  
order

(5) Where a landlord to whom an order has been given under subsection (4) is not satisfied with the terms of the order, the landlord may, within fourteen days of the giving of the order, make an application in the prescribed form to the Minister to review the order.

Order of  
Minister

(6) On an application under subsection (5), the Minister may by order,

- (a) affirm the order of the Standards Board;
- (b) quash the order of the Standards Board;
- (c) vary the order of the Standards Board; or
- (d) substitute the Minister's own order for the order of the Standards Board.

Copy of  
order

(7) The Minister shall forthwith give a copy of an order made under subsection (6) to the landlord and to any tenant directly affected by the order.

Appeal from  
the Minister's  
order under  
subss. (6)

(8) An order of the Minister made under subsection (6) may be appealed to the Board only in the manner and under the circumstances set out in subsection (10) except that subsection (10) does not apply to an order made under subsection (6) that quashes the order of the Standards Board.

Order of the  
Minister

(9) Where the Minister on the report of the Standards Board is satisfied that an order under this section has not been substantially complied with in accordance with its terms within the period set out for doing so, the Minister, after taking into account the matters mentioned in subsection 15 (9), may, on his or her own motion, make any order the Minister is empowered to make under subsection 15 (4) or (7), the provisions of which subsections apply with necessary modifications.

Joining of  
appeals from  
Minister's  
orders made  
under subss.  
(6) and (9)

(10) Where a landlord or tenant appeals to the Board from an order of the Minister made under subsection (9), the landlord or tenant may at the same time appeal from any related



order of the Minister made under subsection (6), and where the landlord or tenant does so the Board shall hear and determine both appeals together.

### PART III

#### PROCEDURE

**17.** A person may make an application to the Minister as a landlord or as a tenant, provided the person was a landlord or a tenant at the time the conduct giving rise to the application occurred.

Who may  
make  
application

**18.—**(1) An application to the Minister shall be made in the prescribed form and shall be signed by the person making the application or his or her agent.

Form of  
application

(2) Where a landlord makes an application to the Minister and the name of any tenant directly affected by the application is not known to the landlord, the name of the tenant may be shown in the application as "tenant" and all orders shall be binding on the tenant occupying the rental unit as if the tenant had been correctly named.

Where name  
of tenant  
not known

(3) Where a tenant makes an application to the Minister and the name of the landlord is not known to the tenant, the name of the landlord may be shown in the application as "landlord" and all orders shall be binding on the landlord as if the landlord had been correctly named.

Where name  
of landlord  
not known

**19.—**(1) Where a landlord makes an application to the Minister, the landlord shall within ten days give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Landlord  
must give  
copy of  
application to  
tenant, etc.

(2) Where a tenant makes an application to the Minister, the tenant shall within ten days give a copy of the application to the landlord.

Tenant must  
give copy of  
application to  
landlord

(3) Where, before an order is made in respect of any application to the Minister, a landlord or tenant is succeeded by a new landlord or tenant, the applicant shall within ten days of becoming aware of such change give the new landlord or tenant a copy of the application.

Where new  
landlord or  
new tenant

(4) The Minister shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Minister shall be deemed to be compliance with this section.

Minister may  
give written  
directions

Extension of time for application, etc.

(5) The Minister may, whether or not the time for making an application to the Minister or giving a copy of the application to any party or filing any documents has expired and where the Minister is of the opinion that it would not be unfair to do so, extend the time for the making of the application to the Minister or giving the application to any party or the filing of any documents, and the Minister may attach such terms and conditions to the extension of time as the Minister considers appropriate and shall give notice in writing of the extension of time to all affected parties.

Application of subss. (1-5) to appeals

(6) The provisions of subsections (1) to (5) apply with necessary modifications to appeals to the Board under Part VII of this Act.

Non-application to joint applications

(7) This section, except for subsection (5), does not apply to a landlord and any tenants who jointly make an application under section 86 or 89, or who jointly appeal an order made pursuant to the application.

Notice to tenant where rental unit sublet

**20.—**(1) A tenant who has sublet a rental unit may give notice in writing to the landlord that the tenant requires the landlord to give him or her a copy of any application made by the landlord under this Act or any other notice required to be given by the landlord under this Act that affects the rental unit that is the subject of the subletting and where the tenant does so the landlord shall give a copy of the application or other notice to the tenant by sending it by mail to the address set out in the notice given by the tenant.

Notice to prospective new tenant

(2) The landlord shall, before entering into a tenancy agreement with a new tenant, give the new tenant a notice in writing setting out the maximum rent for the rental unit and shall inform the new tenant of the most recent notice of rent increase given, any pending application made by the landlord under this Act and any current order made in respect of an application or made on the Minister's own motion and any notice of appeal that is pending therefrom.

Where tenant not informed of maximum rent

(3) Where the landlord fails to give the new tenant a notice setting out the maximum rent for the rental unit, if the rent initially charged the new tenant is less than the maximum rent, subsection 71 (4) does not apply unless the new tenant has occupied the rental unit for at least a twenty-four month period.

Method of giving notice, etc.

**21.—**(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by,

- (a) handing it to the person, or,
  - (i) where the person is a landlord, to any employee of the landlord exercising authority in respect of the residential complex, or
  - (ii) where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;
- (b) leaving it in the mail box where mail is ordinarily delivered to the person;
- (c) where there is no mail box, leaving it at the place where mail is ordinarily delivered to the person; or
- (d) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing.

Where notice given by mail

(3) Notwithstanding the other provisions of this section, the Minister or the Board, as the case may be, may in writing direct a notice or document to be given in any other manner.

Minister or Board may give written directions

(4) Notwithstanding the other provisions of this section, a notice or document shall be deemed to have been validly given where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended within the time for the giving of the notice or documents under this Act.

Actual notice is sufficient

(5) The computation of time under this Act shall be in accordance with prescribed rules.

Computation of time

**22.** The parties to an application or an appeal are the persons making the application or appeal, any person entitled, other than under subsection 19 (3), to receive a copy of the application or a notice of appeal and any person added as a party by the Minister or the Board.

Parties to application or appeal

**23.** Where, in any proceedings under this Act, the Minister or the Board is of the opinion that,

Changing parties; amending applications

- (a) a person who should be included as a party has not been included as a party or that a party has been incorrectly named, the Minister or the Board, as the case may be, shall, unless it would be unfair to do so, require that the person be substituted or added

as a party to the proceedings, or be correctly named;

- (b) a person who has been included as a party should not be included as a party, the Minister or the Board, as the case may be, shall require that the person be removed as a party to the proceedings; or
- (c) an amendment to the application or the notice of appeal is justified and fair, the Minister or the Board, as the case may be, may direct the application or notice of appeal be amended accordingly.

Frivolous  
or vexatious  
applications  
or appeals

**24.** The Minister or the Board, as the case may be, may refuse to continue any proceedings where, in the opinion of the Minister or the Board, as the case may be, the matter is trivial, frivolous, vexatious or has not been initiated in good faith.

Withdrawing  
application

**25.—(1)** An applicant may withdraw an application at any time before the time for submitting representations has ended and thereafter the application may only be withdrawn with the consent of the Minister and the Minister may impose terms on which his or her consent is given.

Withdrawing  
joint  
application

(2) A landlord who is party to a joint application under section 86 or 89 may withdraw the application as provided in subsection (1).

Idem

(3) Where all the tenants who are parties to a joint application under section 86 or 89 desire to withdraw the application, they may do so as provided in subsection (1).

Idem

(4) Where the tenants of less than all of the rental units subject to a joint application under section 86 or 89 desire to withdraw the application, they may withdraw their rental units from the application as if they were withdrawing an application under subsection (1) and the application shall continue in respect of the remaining rental units that are subject to the application.

Withdrawing  
appeal

(5) A landlord or tenant may withdraw an appeal at any time before the hearing of the appeal has commenced but, where the hearing has commenced, the appeal may only be withdrawn with the consent of the Board and the Board may impose terms on which its consent is given.

Withdrawing  
joint  
appeal

(6) Where an appeal of an order made under section 87 or 89 has been brought jointly by a landlord and one or more tenants, the appeal may be withdrawn under subsection (5)

only where the landlord or all tenants who are parties to the appeal desire to withdraw the appeal.

**26.**—(1) Where a landlord or a tenant makes an application other than under section 74 or 86, except as otherwise provided under section 63, the party making the application shall, not later than fifteen days from the date of making the application, file with the Minister the documents and material the party relies upon in support of the application and such other material as may be prescribed.

Filing of documents

(2) Any party to an application referred to in subsection (1) may inspect the application and the documents and material filed in respect thereof and any party other than the applicant may submit representations in respect of the application and the material filed therewith not later than thirty days from the date of making the application, or such later date as the Minister may allow and where a party does so, the applicant may submit representations in response thereto not later than forty-five days from the date of the making of the application.

Inspection and submission of representations

(3) Where the Minister extends the time for filing set out in subsection (1), the Minister shall notify the parties affected by the application of the extended filing date and of the extended times for making representations under subsection (2) in consequence thereof.

Effect of extension of time

**27.** All parties to a proceeding under this Act and all persons who have received a notice under section 28 are entitled to examine, and the Minister and the Board, as the case may be, shall make available for examination all material filed with the Minister or the Board pertaining to the proceeding.

Parties may examine material

**28.**—(1) Before making any order that the Minister is empowered to make on his or her own motion, the Minister shall give a notice in the prescribed form to any landlords and tenants who would be directly affected by the order, and the Minister shall not make an order sooner than sixty days after the giving of the notice.

Notice by Minister

(2) Any person who receives a notice under subsection (1) may, not later than thirty days from the giving of the notice by the Minister, submit documents and make representations to the Minister in respect thereof.

Submission of documents and representations

**29.** The Minister may at any time in his or her discretion refer any application made to the Minister, or any matter that has been commenced on the Minister's own motion, to the Board and the Board in such case shall hear and determine

Referral of application to Board



the application or matter as though it were an appeal under Part VII.

Powers of  
Minister

**30.**—(1) The Minister in respect of any application, or any matter that has been commenced on the Minister's own motion, under this Act may,

- (a) conduct any enquiry or inspection of documents or premises the Minister considers necessary;
- (b) question any person, by telephone or otherwise;
- (c) convene a meeting between the parties to the application or between any persons directly affected by the order for the purpose of discussion of issues raised by the application or matter; and
- (d) by notice in writing, direct any party to the application, or any person directly affected by the matter, to file, within such time as is set out in the notice, such information or additional information as the Minister considers necessary.

Time and  
place of  
meeting

(2) So far as is practicable, the Minister shall hold the meeting mentioned in clause (1) (c) at a time and place agreed to by the parties or persons directly affected.

Inspection

(3) Where, under clause (1) (d), the Minister has directed information or additional information to be filed, the Minister shall notify each of the other parties to the application or landlords and tenants directly affected of the direction and any other party to the application or landlord or tenant directly affected may inspect the information or additional information filed and may submit representations in respect thereof not later than twenty days from the date on which the information or additional information was required to be filed.

Time for  
submitting  
represent-  
ations

(4) Where a direction under clause (1) (d) is in respect of an application made under section 74 (whole building review), any party to the application may submit representations in respect thereof not later than forty days before the effective date of the first rent increase applied for or not later than twenty days from the date on which the information or additional information was required to be filed, whichever the last occurs.

Where  
information  
or additional  
information  
not filed

(5) Where any party to an application fails to comply with a direction of the Minister under clause (1) (d) to file any information or additional information, the Minister may,

- (a) in the case of the applicant, refuse to make an order granting the application or that part of the application relating to the failure to comply with the direction; and
- (b) in the case of any other party to the application, or person directly affected by the matter, refuse to take into account any representations made in respect of the matter regarding which there was a failure to comply with the direction.

**31.** In making any determination in an application under this Act or on any matter commenced on the Minister's own motion, the Minister,

Matters to be considered by Minister

- (a) shall consider any documents, material and oral or written representations submitted in respect of the application or matter commenced on the Minister's own motion; and
- (b) may consider any relevant information obtained by the Minister in addition to the information referred to in clause (a), provided that the Minister first informs the parties of the additional information and gives them an opportunity to explain or refute it.

**32.** Where an application is made to the Minister under this Act, or where the Minister gives a notice under section 28, a hearing shall not be held in respect of the application or the matter referred to in the notice and the *Statutory Powers Procedure Act* does not apply to the Minister in the exercise of a statutory power of decision under this Act.

Non-application of R.S.O. 1980, c. 484

**33.**—(1) An order made by the Minister under this Act, subject to Part VII, is final, binding and not subject to review and shall take effect and is enforceable according to its terms from the date it is made.

Order of Minister final

(2) Where the Minister makes an order under this Act, the Minister shall forthwith give a copy of the order to each of the parties to the application, or where the order is made on the Minister's own motion, to each landlord and tenant directly affected by the order, together with a written summary in the prescribed form of reasons for the order.

Copy of order

**34.**—(1) The Minister or the Board may include in any order terms and conditions the Minister or the Board, as the case may be, considers proper in all the circumstances.

Terms and conditions



Clerical  
errors

(2) An order made by the Minister or by the Board that contains a clerical error or omission of the Minister or the Board may be amended by the Minister or the Board, as the case may be, at any time before the hearing of any appeal of the order has been commenced.

Where tenant  
may deduct  
amount from  
rent

**35.**—(1) Where the Minister or the Board makes an order requiring a landlord to pay an amount of money to a tenant, the Minister or the Board may make an order that the tenant may recover the amount by deducting a specified sum from his or her rent for a specified number of rent payment periods.

Lump sum  
payments

(2) The Minister or the Board may, on the application of the tenant, rescind an order made under subsection (1) and may order that any compensation still owing be paid in a lump sum.

Enforcement  
of order for  
the payment  
of money

**36.**—(1) A certified copy of an order of the Minister or the Board, as the case may be, for the payment of money may be filed with the Supreme Court, the District Court or the Provincial Court (Civil Division) and, on being filed, the order has the same force and effect and all proceedings may be taken on it as if it were a judgment of that Court.

Variation  
of order

(2) Where an order filed under subsection (1) is rescinded or varied, upon filing in accordance with subsection (1), the order or decision rescinding or varying the order previously made,

- (a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection (1); or
- (b) if the order or decision varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order or decision filed under subsection (1).

## PART IV

### RENT REVIEW HEARINGS BOARD

Board  
established

**37.** A board to be known as the Rent Review Hearings Board is established.

Composition  
of Board

**38.**—(1) The Board shall be composed of such number of members as the Lieutenant Governor in Council may appoint.

(2) The members of the Board who are not members of the public service of Ontario shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Remuneration

(3) The *Public Service Superannuation Act* and the *Superannuation Adjustment Benefits Act* apply to members of the Board.

Application  
of  
R.S.O. 1980,  
cc. 419, 490

**39.** Members of the Board, other than the vice-chairman, shall not be members of the public service of Ontario, and shall hold office during pleasure.

Term of  
office

**40.** Subject to subsection 103 (2), one member of the Board constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Board in any proceedings before the Board.

Quorum

**41.**—(1) The Lieutenant Governor in Council shall appoint one of the members of the Board as chairman, and another of the members as vice-chairman.

Chairman  
and vice-  
chairman

(2) The chairman shall from time to time assign members of the Board to its various sittings and shall be the chief executive officer of the Board.

Chairman  
chief  
executive  
officer

(3) The vice-chairman is responsible for the general administration of the affairs of the Board and where the chairman is absent or unable to act, the vice-chairman may act as chairman.

Absence,  
etc.,  
of chairman

**42.** Where a member of the Board resigns or retires, or for any other reason ceases to be a member, the member may, with the consent of the chairman, in connection with any matter in which the member participated as a member of the Board, carry out and complete any duties or responsibilities and exercise any powers that the member would have had if the member had not ceased to be a member of the Board.

Completion  
of  
matters by  
members  
who  
resign or  
retire, etc.

**43.**—(1) The members shall devote the whole of their time to the performance of their duties as members of the Board, and shall not accept or hold any office or employment inconsistent with such duties.

Members  
full time

(2) The members shall file with the Board a written declaration of any interests they have in residential rental property, and shall be required to comply with the conflict of interest guidelines established by the Board.

Conflict of  
interest

Staff

R.S.O. 1980,  
c. 418

**44.** Such employees as are required for the purposes of the Board may be appointed under the *Public Service Act*.

Professional  
assistance

**45.** Subject to such conditions as the Minister may set, the Board may engage persons other than those appointed under section 44 to provide professional, technical or other assistance to the Board and may establish the duties and terms of the engagement and provide for the payment of the remuneration and expenses of such persons.

Immunity  
for acts done  
in good faith

**46.** No action or other proceeding for compensation or damages shall be instituted against the Board, any member of the Board or any member of the Board staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Publication  
of decisions

**47.** The Board shall, at least annually, prepare and publish a summary of significant decisions of the Board and the reasons therefor.

Board to  
adopt  
expeditious  
procedures

**48.** The Board shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter.

Decision to  
be on merits

**49.—(1)** Every decision of the Board shall be upon the real merits and justice of the case.

Board to  
ascertain  
substance of  
transactions  
and activities,  
etc.

**(2)** In determining the real merits and justice of the case, the Board shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and in doing so,

(a) may disregard the outward form of the transaction or the separate corporate existence of the participants; and

(b) may have regard to the pattern of activities relating to the residential complex.

Audit

**50.** The accounts of the Board shall be audited annually by the Provincial Auditor.

Annual  
report

**51.—(1)** The Board shall at the close of each year file with the Minister an annual report upon the affairs of the Board.

(2) The Board shall make such further reports to the Minister and provide the Minister with such information as the Minister from time to time requires. Further reports

(3) The Minister shall submit the reports to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session. Tabling of reports

**52.** All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of moneys appropriated therefor by the Legislature. Moneys

**53.** The Board may charge and collect such fees as are prescribed for furnishing to any person, at his or her request, copies of forms, notices or documents filed with or issued by the Board. Fees

## PART V

### RENT REGISTRY

**54.** In this Part, Definitions

“actual rent”, except where otherwise prescribed, means the rent actually charged for a rental unit as of the actual rent date;

“actual rent date” means,

- (a) the 1st day of July, 1985, or
- (b) where a rental unit was not rented on the 1st day of July, 1985, the first date on which that rental unit is rented after the 1st day of July, 1985.

**55.** The Minister shall establish and maintain a rent registry for all residential complexes that are subject to this Act. Establishment of rent registry by Minister

**56.**—(1) The Minister shall, on the request of any person made in the prescribed manner, furnish that person with information that is recorded in the rent registry in respect of any rental unit, but may limit the information so furnished in accordance with the prescribed rules. Furnishing of information from rent registry

(2) The Minister may charge such fees as are prescribed for furnishing information under subsection (1). Fees

**57.**—(1) Every landlord of a residential complex containing more than six rental units, other than a residential com- Filing of statement by landlord

plex that is a boarding house or a lodging house, shall file a statement in the prescribed form with the Minister,

- (a) on or before the first day of the month that falls not sooner than ninety days after the day this section comes into force, in respect of all rental units in the residential complex that were rented on or before the day this section comes into force; and
- (b) within six months of the day the first of the rental units in the residential complex not mentioned in clause (a) becomes rented and thereafter every six months until a statement has been filed in respect of all rental units in the residential complex.

Idem

(2) Every landlord of a residential complex containing six or fewer rental units or of a residential complex that is a boarding house or a lodging house shall file the statement mentioned in subsection (1),

- (a) on or before a date to be prescribed, in respect of all rental units in the residential complex that were rented on or before that date; and
- (b) within six months of the day the first of the rental units in the residential complex not mentioned in clause (a) becomes rented and thereafter every six months until a statement has been filed in respect of all rental units in the residential complex.

Idem

(3) Notwithstanding that a date has not been prescribed under subsection (2), a landlord of a residential complex containing six or fewer units or of a residential complex that is a boarding house or a lodging house may file the statement mentioned in subsection (1) at any time.

Contents of  
statement

**58.**—(1) The statement mentioned in section 57 shall set out the following information:

1. The name and address of the landlord and, where the landlord is not ordinarily resident in Ontario, the name and the address of the landlord's representative or agent in Ontario.
2. The municipal addresses of all buildings which form part of the residential complex.
3. The type (by number of bedrooms) and location (by suite number or other means of identification) of each rental unit in the residential complex that is

subject to rent regulation, together with the actual rent for each such rental unit and the date the actual rent was first charged.

4. Those services and facilities, accommodations and things included in the actual rent for which a separate charge is allocated and the amount of each.
5. Whether the landlord, as of the actual rent date, was responsible for providing hydro, water, heat, cablevision or parking without the allocation of a separate charge.
6. The provisions of any written tenancy agreement mentioned in subsection 2 (3) which conflict with the provisions of this Act concerning the amount of rent that may be charged for a rental unit.
7. The type and location of each rental unit in the residential complex, if any, in respect of which the information in paragraphs 3 to 6 is not required to be set out in the statement, together with the reasons therefor.
8. Such other information as is prescribed.

(2) Subject to subsection (3), the statement filed with the Minister under section 57 shall contain a certification signed by the landlord or, if the landlord is a corporation, signed by the president, secretary or other authorized senior officer thereof, certifying that the information contained in the statement, and any attachments thereto, is true, correct and complete to the best of the landlord's knowledge and belief.

Certification

(3) A landlord may authorize an agent in writing to make the certification mentioned in subsection (2), and the Minister may require a copy of the document authorizing the agent to make the certification to be filed.

Certification  
by agent

**59.**—(1) Where an order issued under this Act, the *Residential Tenancies Act* or *The Residential Premises Rent Review Act, 1975 (2nd Session)* affects the rent which may be charged for a rental unit for which the actual rent has been set out in a statement filed under section 57, the Minister shall calculate the amount obtained by adding to the rent set out in the most recent such order all permissible statutory increases from the effective date of the rent in the order to the actual rent date.

Minister to  
calculate  
amount  
where  
prior order  
affects  
rental unit  
R.S.O. 1980,  
c. 452  
1975  
(2nd Sess.),  
c. 12



Application  
within 90  
days

(2) Where the actual rent for a rental unit set out in the statement is the same as or lower than the amount calculated under subsection (1), or does not exceed that amount by more than the prescribed percentage, the time for making an application under section 61 in respect of that rental unit shall be not later than ninety days from the day of the giving by the Minister of a notice under section 60.

Application  
within  
two years

(3) Where the actual rent for a rental unit set out in the statement exceeds the amount calculated under subsection (1) by more than the prescribed percentage, or where there are no prior orders affecting the rent which may be charged for a rental unit, the time for making an application under section 61 in respect of that rental unit shall be not later than two years from the day of the giving by the Minister of a notice under section 60.

Notice to  
landlord of  
rents  
recorded

**60.**—(1) As soon as is practicable, the Minister shall give to every landlord who has filed a statement under section 57 a notice in the prescribed form setting out the information recorded for all rental units for which the statement was filed and the time for making an application under section 61.

Notice to  
tenant of  
rent  
recorded  
for  
tenant's  
rental unit

(2) As soon as is practicable, the Minister shall give to the tenant of every rental unit in respect of which the landlord is given a notice under subsection (1) a notice in the prescribed form setting out the recorded information pertaining to the tenant's rental unit and the time for making an application under section 61.

Application  
to dispute  
information  
in notice

**61.**—(1) A landlord or a tenant who has been given a notice under section 60 may, in the time permitted by subsection 59 (2) or (3), whichever applies, make an application in the prescribed form to the Minister to correct or amend any information in the notice or to dispute the legality of the actual rent.

Application  
for  
declaration  
of lawful rent

(2) A landlord who has been given a notice under subsection 60 (1) may in the time permitted by subsection 59 (2) or (3), whichever applies, make an application in the prescribed form to the Minister for an order declaring the actual rent recorded in the rent registry to be the lawful maximum rent as of the actual rent date.

Where actual  
rent recorded  
is deemed  
lawful rent

(3) Where no application under subsection (1) or (2) is made and no notice mentioned in subsection (4) is given, the rent recorded in the rent registry for such rental unit shall be deemed to be the lawful maximum rent as of the actual rent date.



(4) In respect of any rental unit mentioned in subsection 59 (3), the Minister,

Investigation by  
Minister

- (a) shall, in the case of a rental unit whose rent is affected by a prior order; and
- (b) may, in the case of a rental unit whose rent is not affected by a prior order,

investigate the rents charged for such rental unit and may, on the Minister's own motion, make any order which could have been made had the landlord or the tenant made an application under subsection (1) or (2), provided that the notice under subsection 28 (1) is given by the Minister within the time for making an application in respect of that rental unit.

**62.**—(1) In any application under section 61, or in response to the Minister's own motion under that section, the landlord may justify the actual rent for any rental unit by adding to the rent permitted to be charged set out in the most recent order made under this Act, Part XI of the *Residential Tenancies Act* or *The Residential Premises Rent Review Act, 1975 (2nd Session)*, or where no order exists, to the rent charged for the rental unit on the 29th day of July, 1975, or on the earliest date thereafter for which the rent charged is known,

Justification  
by landlord  
of actual rent

R.S.O. 1980,  
c. 452  
1975  
(2nd Sess.),  
c. 12

- (a) rent increases permitted by Part XI of the *Residential Tenancies Act* and *The Residential Premises Rent Review Act, 1975 (2nd Session)*; and
- (b) rent increases that could have been justified on or after the 29th day of July, 1975, and before the 1st day of August, 1985, on an application made under section 126 of the *Residential Tenancies Act*, had that Act been in force during the whole of that period of time and had the disposition of the application been governed by the prescribed rules made under this Act,

R.S.O. 1980,  
c. 452

provided that only an increase permitted or justified under either clause (a) or (b), but not both, may be relied upon to calculate the rent increase for any one twelve-month period.

(2) Where clause (1) (b) is relied upon to calculate a rent increase, the Minister shall determine the justified rent increase in accordance with the prescribed rules and shall consider, in the prescribed manner, any services or facilities that have been added or discontinued on or after the 29th day of

Determination of  
justified rent  
increase by  
Minister

July, 1975, and before the 1st day of August, 1985, and that affect the rental unit.

Where rent justified lower than actual rent

(3) Where under this section the landlord, in respect of any rental unit, justifies a rent that is lower than the actual rent, the amount so justified by the landlord shall be deemed to be the lawful maximum rent for that rental unit as of the actual rent date.

Where section does not apply

(4) This section does not apply to a rental unit situate in a residential complex in respect of which the statement mentioned in section 57 has not been filed within the time permitted for filing.

Filing of documents and material by landlord

**63.—**(1) Where a landlord makes an application under subsection 61 (1) or (2) to justify under section 62 the actual rent charged for a rental unit, the landlord shall, not later than thirty days from the date of making the application, file with the Minister the documents and material the landlord relies upon in support of the application and such other material as may be prescribed.

Inspection and submission of representations by tenant

(2) Any tenant affected by the application may inspect the application and any documents and material filed in respect thereof and may submit representations in respect of the application and the documents and material filed therewith not later than eighty days from the date of making the application.

Filing of documents and material by tenant

(3) Where a tenant makes an application under subsection 61 (1), the tenant shall, not later than fifteen days from the date of making the application, file with the Minister the documents and material the tenant relies upon in support of the application and such other material as may be prescribed.

Filing of justification, etc., by landlord; response by tenant

(4) A landlord who proposes, in response to a tenant's application under section 61, to justify under section 62 the actual rent charged for a rental unit shall, not later than forty-five days from the date of the making of the tenant's application, file with the Minister a justification in the prescribed form together with the documents and material the landlord relies upon in support of the justification and such other material as may be prescribed and within ten days of the filing give a copy thereof to any affected tenant, and where the landlord does so, the tenant may submit representations in response thereto not later than ninety-five days from the date of the making of the tenant's application.

Idem

(5) A landlord who proposes, in response to the Minister's proposal to make an order under subsection 61 (4), to justify

under section 62 the actual rent charged for a rental unit, shall, not later than thirty-days from the giving by the Minister under subsection 28 (1) of the notice in respect of the proposed order, file with the Minister a justification in the prescribed form together with the documents and material the landlord relies upon in support of the justification and such other material as may be prescribed and within ten days of the filing give a copy thereof to any affected tenant, and where the landlord does so, the tenant may submit representations in response thereto not later than eighty days from the date of the giving of the notice by the Minister under subsection 28 (1).

(6) Where the Minister extends the time for filing set out in this section, the Minister shall notify the parties affected by the application of the extended filing date and of the extended times for making representations in consequence thereof.

Effect of  
extension of  
time

**64.** In any order made by the Minister under this Part, the Minister shall,

Order of  
Minister

- (a) declare the maximum rent that may be charged for each rental unit subject to the order and the earliest date that each may take effect; and
- (b) require any necessary changes to be made to the information recorded in the rent registry.

**65.** Where the Minister is satisfied that any information recorded in the rent registry is incorrect due to a clerical error or omission, the Minister may, within two years of the date of the error or omission, amend the rent registry accordingly and shall notify the affected parties of any corrected information.

Clerical  
errors

**66.—**(1) Where a landlord has filed a statement under section 57 within the time permitted for filing, no amount shall be ordered under subsection 95 (2) in respect of any excess rent paid before the 1st day of August, 1985 in respect of any rental unit for which the actual rent has been set out in the statement.

Rebate  
ordered  
where  
statement  
filed on time

(2) Where a landlord has not filed a statement under section 57 or has filed a statement later than the time permitted for filing, no amount shall be ordered under subsection 95 (2) for any excess rent paid more than six years before the filing date of a tenant's application under that subsection.

Rebate  
ordered  
where  
statement  
not filed or  
filed late

**67.** Where a landlord fails to file a statement under section 57 in respect of a residential complex on or before the expiry of the three-month period following the time specified

Where  
statement not  
filed within  
three months  
of time for  
filing

in that section for the filing of the statement, the Minister on his or her own motion may order that the collection by the landlord of any increase in the rent charged for any rental unit in the residential complex be stayed until the landlord has filed the required statement.

Where no  
statement  
filed

**68.** On or after the first day of the month that falls not sooner than ninety days after the day determined under clause 57 (1) (a), no application made by a landlord or appeal by the landlord therefrom under this Act shall be proceeded with by the Minister or the Board if the landlord has not filed a statement under section 57 in respect of the residential complex concerned, whether or not the time for filing the statement has expired.

Register  
to be kept  
current

**69.** The Minister shall keep current the information recorded in the rent registry by incorporating, where applicable,

- (a) an order made under this Act;
- (b) an order made under the *Residential Tenancies Act*;
- (c) a statutory increase permitted to be taken under this Act;
- (d) a statutory increase that was permitted under Part XI of the *Residential Tenancies Act*;
- (e) a notice given under subsection 92 (2);
- (f) a written approval of the Minister given under subsection 91 (6); and
- (g) any other relevant change in the information recorded in the rent registry.

R.S.O. 1980,  
c. 452

## PART VI

### RENT REGULATION

Twelve-  
month  
period  
between rent  
increases

**70.** The rent charged for a rental unit shall not be increased unless a period of at least twelve months has elapsed since the date of the last rent increase.

Maximum  
increase  
without  
application

**71.—(1)** Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit,

- (a) to take effect on or after the 1st day of August, 1985, and before the 1st day of January, 1987, by more than 4 per cent; and
- (b) to take effect on or after the 1st day of January, 1987, and to take effect on or after the 1st day of January in any subsequent year, by more than the percentage set out in the Residential Complex Cost Index for the year, as published by the Minister and calculated in accordance with the formula set out in Schedule A hereto.

of the last rent that was charged for the rental unit for an equivalent rental period.

(2) The Minister shall calculate the Residential Complex Cost Index that is applicable for each year and shall publish the Index in *The Ontario Gazette* not later than the 31st day of August of the immediately preceding year.

Calculation and publication of Index by Minister

(3) Notwithstanding subsection (2), in respect of the Residential Complex Cost Index applicable for the year 1987, the Minister shall calculate and publish the Index in *The Ontario Gazette* not later than thirty days after the day this subsection comes into force.

RCCI for 1987

(4) A landlord may increase the rent charged for a rental unit by more than the amount permitted by clause (1) (a) or (b) without making an application under this Act, provided that the amount of the rent after the increase is applied is not higher than the maximum rent as of the date the rent increase takes effect.

Maximum rent

**72.** A landlord may make an application under this Part despite the fact that the landlord may not have, in respect of any rental unit, given notice under section 5 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 5.

Landlord may apply although notice of rent increase not yet given

**73.**—(1) This section applies only to rental units that, before the repeal of clauses 134 (1) (c) and (d) of the *Residential Tenancies Act* by section 126 of this Act, were exempt from Part XI of that Act.

Application R.S.O. 1980, c. 452

(2) Where a notice of rent increase to increase the rent charged for a rental unit by more than the increase permitted by clause 71 (1) (a) or (b), whichever is applicable, has been given before this section comes into force, to take effect on or after the 1st day of August, 1985, where the landlord makes an application permitted under clause (3) (b), the rent

Notice for rent increase of more than amount permitted under s. 71 (1) (a) (b)

increase specified in the notice may be charged and collected by the landlord until such time as an order setting the maximum rent that may be charged for the rental unit takes effect.

Landlord to  
repay excess  
rent or bring  
application  
under s. 74

(3) A landlord who has increased the rent charged for a rental unit by more than the increase permitted by clause 71 (1) (a) or (b), whichever is applicable effective on or after the 1st day of August, 1985, pursuant to a notice of rent increase given before this section comes into force, shall, on or before the sixtieth day after the coming into force of this section,

- (a) pay to the tenant of the rental unit the amount of the rent paid by the tenant that is in excess of the increase permitted by clause 71 (1) (a) or (b), whichever is applicable; or
- (b) apply to the Minister under section 74 (whole building review) even though the time for making such an application set out in subsection 74 (3) has expired.

Where  
landlord  
fails to  
comply  
with cl.  
(3) (a)  
or (b)

(4) Where a landlord fails to comply with clause (3) (a) or (b), the tenant may,

- (a) deduct the amount of the rent paid by the tenant that is in excess of the increase permitted by clause 71 (1) (a) or (b), whichever is applicable from a subsequent rent payment and so continue until the full amount of the excess rent has been satisfied; or
- (b) make an application to the Minister under subsection 95 (2).

Application  
by landlord

**74.**—(1) Where a landlord desires to increase the rent that may be charged for a rental unit by more than the amount permitted by section 71, the landlord may apply to the Minister in the prescribed form for an order permitting the landlord to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

Whole  
building  
review

(2) When the landlord applies to the Minister under subsection (1), the landlord shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application.



(3) An application made under this section shall be made not later than ninety days before the effective date of the first intended rent increase.

Time for making application

(4) At the time the application is filed, the landlord shall file with the Minister a cost revenue statement in the prescribed form together with all documents that the landlord relies upon in support of the application and such other material as may be prescribed.

Filing of cost revenue statement

(5) Any tenant affected by the application may submit material and make representations in respect thereto not later than forty days before the effective date of the first rent increase applied for and where a tenant does so the landlord may submit material and make representations in response thereto not later than forty days before the effective date of the first rent increase applied for or twenty days from the date of the tenant's submission, whichever is the later.

Submission of material and making of representations

(6) Where the Minister extends the date for filing under subsections (3) and (4) or the date for submitting material and making representations under subsection (5), the Minister shall notify each of the parties affected by the application of the extended date and any party shall be permitted up to forty days before the effective date of the first rent increase applied for or twenty days from the extended date, whichever is the later, to submit material and make representations in respect of the application.

Extension of time

**75.** Where an application is made by a landlord to the Minister under section 74, the Minister shall determine the total rent increase for the residential complex that is justified by,

Determination by Minister of total rent increase

- (a) the operating cost allowance calculated in accordance with the formula set out in Schedule B hereto or, where the effective date of the first rent increase applied for is before the 1st day of January, 1987, the prescribed operating cost allowance;
- (b) the findings of the Minister concerning financing costs, capital expenditures and extraordinary operating costs that the landlord has experienced or will experience in respect of the residential complex;
- (c) the degree to which actual financing costs or capital expenditures vary from the projected amounts allowed in respect of such costs or expenditures in a previous order made under this Act or the *Residential Tenancies Act*;

R.S.O. 1980, c. 452



- (d) the prescribed allowances for management and administration in respect of capital expenditures;
- (e) the findings of the Minister concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (f) the findings of the Minister concerning a change in the services and facilities provided or in the standard of maintenance and repair in respect of the residential complex or any rental unit located therein;
- (g) in respect of a residential complex no part of which was occupied as a rental unit before the 1st day of January, 1976, the rate of return that is applicable to the residential complex in order to eliminate an economic loss;
- (h) the findings of the Minister concerning financing costs no longer borne by the landlord and which were allowed in a previous order determining rent increases under this Act or the *Residential Tenancies Act*, where the rate increase in financing costs that justified the rent increase awarded in the previous order took effect on or after the 1st day of August, 1985;
- (i) in respect of a residential complex any part of which was occupied as a rental unit before the 1st day of January, 1976, the extent to which the rent for the residential complex is a chronically depressed rent within the meaning of section 91; and
- (j) the findings of the Minister concerning matters prescribed.

R.S.O. 1980,  
c. 452

Where  
grounds for  
increase  
financing  
costs,  
financial loss,  
economic loss  
or do not  
include  
capital  
expenditures

**76.—**(1) Where, on an application made by a landlord under section 74, it is found by the Minister that the grounds that justify an increase in rent by more than the amount permitted by section 71,

- (a) are only one or more of the financing costs, financial loss or economic loss; or
- (b) do not include any amount for capital expenditures,

that the landlord has experienced or will experience in respect of the residential complex, the Minister shall apply the percentage determined under clause 71 (1) (a) or (b) whichever is

applicable, instead of the operating cost allowance determined under clause 75 (a).

(2) Notwithstanding subsection (1), where on an application made by a landlord under section 74, a capital expenditure is found by the Minister to be of a continuing nature within the meaning of the regulations made under this Act, the Minister, in respect of any subsequent application made by the landlord under section 74 in which the capital expenditure is found to be continuing, shall apply the percentage determined under clause 71 (1) (a) or (b) whichever is applicable, instead of the operating cost allowance determined under clause 75 (a).

Continuing  
capital  
expenditure

**77.**—(1) Where a landlord claims to have experienced a financial loss or an economic loss or where the landlord may be entitled to an allowance for relief of hardship or an allowance in respect of chronically depressed rent, the landlord shall submit proof of the actual operating costs that the landlord has experienced in respect of the residential complex.

Proof of  
operating  
costs

(2) Notwithstanding subsection (1), where, for the purposes of a prior order made under subsection 83 (1) of this Act or under subsection 131 (5) of the *Residential Tenancies Act*, the operating costs experienced in respect of the residential complex have been determined, and where the effective date of the first rent increase set out in that order is not more than three years prior to the effective date of the first rent increase applied for by the landlord in the current application, the landlord may elect not to submit proof of the operating costs that the landlord has experienced in respect of the residential complex.

Election by  
landlord

R.S.O. 1980,  
c. 452

(3) Where the landlord makes an election under subsection (2), the operating costs shall be determined by reference to the amounts determined for the purposes of the prior order referred to in subsection (2), increased in the prescribed manner.

Determi-  
nation  
of operating  
costs where  
election  
made

**78.**—(1) In making findings concerning capital expenditures under clause 75 (b) or under clause 87 (1) (b), the Minister shall,

Allowance  
of interest,  
etc.

- (a) allow interest on the expenditure, whether financed by borrowing or out of the landlord's own funds, or by a combination thereof, at the prescribed rates;
- (b) when the expenditure is financed by borrowing, allow the value of any guarantees given by or on behalf of the landlord to the lender; and

- (c) allow the value of the landlord's own labour, if any, in carrying out the work involved in the capital expenditure.

Reduction  
for capital  
expenditures  
previously  
allowed  
R.S.O. 1980,  
c. 452

(2) Where, in an application under section 74 or 86, the landlord claims a capital expenditure for the replacement of an item allowed as a capital expenditure in a previous order made under this Act or the *Residential Tenancies Act*, and where the capital expenditure allowed in the previous order was completed on or after the 1st day of August, 1985, the Minister shall reduce the total rent increase that would otherwise be justified in the application by the amount allowed in respect of the capital expenditure in the previous order.

Limitation on  
consideration  
of financing  
costs

**79.**—(1) In making findings concerning financing costs under clause 75 (b), the Minister shall consider increases in financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of  
hardship

(2) Where an application is made by a landlord under section 74, if the revenue found in respect of the residential complex does not exceed the actual operating and financing costs by at least 2 per cent, the Minister may, where he or she considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the revenue to not more than 2 per cent above those costs.

Limit on rent  
increase  
attributable  
to  
increased  
financing  
costs  
resulting  
from  
purchase of  
residential  
complex

(3) Where a landlord claims a financial loss arising out of an increase in the financing costs of the residential complex resulting from a purchase or purchases of the residential complex, the Minister, when determining the total rent increase for the residential complex, shall allow in the initial year (as the component of the total increase in rent determined by the Minister that is attributable to such increase in financing costs) not more than 5 per cent of the total of the last lawful rents that were charged for the residential complex and in subsequent years the amount allowed in respect thereof by the Minister in any such year shall not exceed 5 per cent of the total of the last lawful rents that were charged for the residential complex.

Definition

(4) For the purposes of subsections (1), (3) and (6), "purchase" means the acquisition of a residential complex, after the 31st day of December, 1979, by any means whatsoever and includes the acquisition, whether by way of transfer, assignment or otherwise, of an interest, in whole or in part, in an option to purchase or in any agreement to purchase a residential complex.

(5) Where the Minister allows a financial loss arising out of the circumstances set out in subsections (1) and (3), the Minister shall not allow the additional revenue mentioned in subsection (2) except in the last year during which the financial loss is phased in, but then only where the amount attributable to the financial loss together with the amount allowed under subsection (2) does not exceed 5 per cent of the last lawful rents that were charged for the residential complex.

Limitation  
on relief of  
hardship  
allowance

(6) Subsections (3) and (5) do not apply to the purchase of a residential complex, no part of which was occupied as a rental unit before the 1st day of January, 1976, where,

Where  
subss. (3, 5)  
do not apply

- (a) the purchase was from the original owner of the residential complex and the residential complex was constructed for the purpose of such a purchase; or
- (b) the building permit to construct the residential complex was issued on or before the 18th day of April, 1986, and the agreement to purchase was entered into on or before the 18th day of April, 1986.

(7) In making findings concerning financial loss under clause 75 (e), the Minister shall allow interest paid after the 1st day of August, 1985, at the prescribed rates on loans in respect of any financial loss incurred since the acquisition of the residential complex by the landlord, provided that where the financial loss arises out of an increase in financing costs resulting from a purchase or purchases or refinancing thereof in respect of the residential complex, the maximum allowed financing shall not exceed 85 per cent of the acquisition cost and only that portion of the interest paid on loans attributable to the maximum allowed financing shall be allowed.

Interest

**80.**—(1) The rate of return in respect of a residential complex, no part of which was occupied as a rental unit before the 1st day of January, 1976, and the building permit for the construction of which is issued,

Rate of  
return

- (a) on or before the 31st day of December, 1986, is 10 per cent; or
- (b) after the 31st day of December, 1986, is the three-year moving average, as of the year in which the building permit is issued, of the Canada Bond rate for ten years and over plus 1 percentage point,

of the landlord's initial invested equity, including the principal portion of any debt not otherwise allowed, up to the amount

of the acquisition costs of the residential complex, and capitalized financial losses.

Phase in  
of economic  
loss and  
financial  
loss

(2) Where a landlord claims an economic loss in respect of a residential complex no part of which was occupied as a rental unit before the 1st day of January, 1976, the Minister shall allow in the initial and any subsequent year, as the amount attributable towards the elimination of financial loss and economic loss,

- (a) in respect of a residential complex, the permit for the construction of which was issued on or before the 1st day of July, 1986, the greatest of,
  - (i) the amount required to eliminate the economic loss over a period of five years from the earliest effective date of rent increase set out in the first order made on an application under section 74,
  - (ii) 5 per cent of the gross potential rent for the preceding year or the total of the amount required to eliminate the economic loss, whichever is less, and
  - (iii) the amount required to eliminate the financial loss experienced in the preceding year; and
- (b) in respect of a residential complex, the permit for which was issued after the 1st day of July, 1986, the lesser of,
  - (i) the total of the amount required to eliminate the economic loss and the financial loss together with the amounts otherwise justified in the application under section 74, and
  - (ii) the portion of that amount that will result in a maximum rent increase that does not exceed the highest of,
    - (A) the amount required to eliminate the financial loss experienced in the preceding year,
    - (B) 10 per cent of the gross potential rent for the preceding year, and

- (C) an amount that is three times the increase permitted under subsection 71 (1).

**81.** In making findings under clause 75 (h), the Minister shall consider a financing cost which is no longer borne only to the extent of the amount that was previously allowed in respect of that financing cost.

Extent of consideration of financing cost no longer borne

**82.**—(1) In apportioning the total rent increase amongst the rental units in the residential complex, the Minister may take into account the following matters:

Apportionment of total rent increase

1. The rent schedule proposed by the landlord's application.
2. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
3. The degree to which any capital expenditures the landlord has experienced or will experience in respect of the residential complex affect individual rental units in the residential complex.
4. Any other prescribed matter.

(2) In apportioning the total rent increase under subsection (1), the Minister may set the maximum rent that may be charged for a rental unit so that the landlord may achieve equalization of rents charged for similar rental units within the residential complex but the amount of rent increase that is attributable to the equalization in respect of any rental unit shall not exceed 5 per cent of the maximum rent that was chargeable for that rental unit in the twelve-month period immediately preceding the date of the rent increase.

Equalization of rents

(3) In setting the maximum rents to achieve equalization under subsection (2), the Minister may set a maximum rent for a rental unit that is less than the rent currently being charged for that rental unit.

Maximum rent set lower than current rent

**83.**—(1) Where the Minister has determined and apportioned the total rent increase on an application made under section 74.

Order re maximum rent chargeable for each unit

- (a) the Minister shall order the maximum rent that may be charged for each rental unit in the residential complex that is under review and the earliest date that each may take effect; and



- (b) the Minister may order that the landlord or tenant pay to the other any sum of money that is owed to the other by reason of the order of the Minister setting the maximum rent for a rental unit.

Minister may order increase less than statutory increase

(2) Where a landlord has applied for a rent increase greater than the amount permitted by section 71, the Minister may, if his or her findings so justify, allow a rent increase of less than the amount permitted by section 71.

Where rent charged exceeds maximum rent

(3) In any application under section 74, where the Minister finds that the rent being charged for any rental unit exceeds the maximum rent for that rental unit, the Minister shall apply any rent increase that is otherwise justified, not to the rent currently being charged for the rental unit, but to the maximum rent for that rental unit.

Time for making order

(4) Subject to subsection (5), the Minister shall make an order in respect of any application under this section not later than fifteen days before the effective date of the first rent increase applied for in the application.

Extension of time for making order

(5) Where it is not possible in the circumstances for the Minister to make an order in respect of any application within the time set out in subsection (4), the Minister shall notify in writing the parties to the application of the reason why it is not possible and of the date on or before which the order will be made.

Application by landlord for equalization of rents

**84.**—(1) Without bringing an application under section 74, a landlord may make an application in the prescribed form to the Minister for an order apportioning the total rent charged in respect of a residential complex amongst the rental units situate therein, for the purpose of varying the rents so as to achieve equalization of rents charged for similar rental units within the residential complex.

Time for making application

(2) An application under subsection (1) shall be made at least ninety days before the effective date of the first intended variation in rent as set out in the application.

Apportioning of rents charged to achieve equalization

(3) Where the Minister is satisfied in an application made under this section that the rents ought to be equalized, the Minister shall set the rent that may be charged for any rental unit so that the landlord may achieve equalization of the rents charged for similar rental units within the residential complex, but the amount of rent increase that is attributable to the equalization in respect of any rental unit shall not exceed 5 per cent of the maximum rent that was chargeable for that



rental unit in the twelve-month period immediately preceding the date or dates of the rent increase.

(4) In setting the rents to achieve equalization under subsection (3), the Minister may set a rent that may be charged for a rental unit at an amount that is less than the rent currently being charged for that rental unit.

Rent set lower than current rent

(5) Where the Minister has determined and apportioned the rent charged amongst the rental units in the residential complex, the Minister shall order the percentage, if any, by which the rent charged for a rental unit may be varied from the amount that would otherwise be the maximum rent for that rental unit and the date or dates on which such variation may take effect.

Order re variation in rents to achieve equalization

**85.**—(1) Within two years of the effective date of the first rent increase set out in an order made under subsection 83 (1), a landlord or a tenant may apply in the prescribed form to the Minister for an adjustment to the financial loss or economic loss allowed in the order or to the extraordinary operating costs allowed in the order, on the basis that the operating costs used in the calculation of the financial loss, economic loss or extraordinary operating costs were substantially higher or lower than the operating costs actually experienced in respect of the residential complex in a subsequent year.

Application for adjustment to financial loss, economic loss or extraordinary operating costs allowed for

(2) In an order made by the Minister on an application under subsection (1), the Minister shall order the maximum rent that may be charged for each rental unit in the residential complex that is under review and the earliest date that each may take effect, provided that the earliest such date is not earlier than the day the application was made.

Order re maximum rent chargeable for each unit

**86.**—(1) Where a landlord desires to increase the rent that may be charged for one or more rental units in a residential complex by more than the amount permitted by section 71 because of capital expenditures the landlord has experienced or will experience in respect of such rental units, the landlord and the tenants of such rental units may jointly apply in the prescribed form to the Minister at least sixty days before the effective date of the first intended rent increase for an order permitting the landlord to do so.

Part building review

(2) Where the residential complex contains more than twelve rental units an application under subsection (1) shall not include the tenants of more than 25 per cent of the rental units in the residential complex.

Application limited to 25 per cent of rental units

Filing of  
capital cost  
revenue  
statement

(3) The landlord and the tenants shall file with the Minister a capital cost revenue statement in the prescribed form together with all documents that the parties rely upon in support of the application, including any written representations, and such other materials as may be prescribed not later than forty days before the effective date of the first rent increase applied for.

Determina-  
tion  
by Minister  
of rent  
increase for  
each unit

**87.**—(1) Where an application is made by a landlord and one or more tenants under section 86, the Minister shall determine the rent increase for each rental unit which is subject to the application that is justified by,

- (a) the operating cost allowance calculated in accordance with the formula set out in Schedule B hereto or, where the effective date of the first rent increase applied for is before the 1st day of January, 1987, the prescribed operating cost allowance;
- (b) the findings of the Minister concerning capital expenditures that the landlord has experienced or will experience that affect each rental unit;
- (c) the prescribed allowances for management and administration in respect of capital expenditures; and
- (d) the findings of the Minister concerning matters prescribed.

Order re  
maximum  
rent  
chargeable  
for each  
unit

(2) Where the Minister has determined the rent increase for each rental unit under subsection (1), the Minister shall order the maximum rent that may be charged for each rental unit under review and the earliest date that each may take effect.

Application  
for  
conditional  
determination  
respecting  
rate of return

**88.**—(1) At any time before the first rental unit in a residential complex is occupied, a landlord may make an application in the prescribed form to the Minister for an order determining the treatment any proposed course of action that may affect the rate of return for the residential complex will receive on a subsequent application under section 74, and the Minister shall, by order, make any determination the Minister considers appropriate.

Subsequent  
application  
required

(2) An order under subsection (1) is conditional on the landlord making a subsequent application in the prescribed form to the Minister to review the order in the light of the actual course of action taken by the landlord in relation to the matters determined.

(3) An application under subsection (2) shall be made not later than twelve months after the day the first rental unit is occupied.

Time for making subsequent application

(4) In an order made on an application under subsection (2), the Minister may vary or confirm the order made under subsection (1).

Variance or confirmation of conditional determination

(5) A determination in an order made under subsection (1) has no force or effect except as varied or confirmed by an order made on an application under subsection (2).

Effect of conditional determination

**89.**—(1) Prior to making a capital expenditure in respect of a residential complex or any rental unit therein, the landlord may, or the landlord and the tenants of the rental units concerned jointly may, apply in the prescribed form to the Minister for a conditional order under subsection (2).

Application for conditional order

(2) In an application under subsection (1), the Minister shall consider the proposed capital expenditure and shall by order declare the amount that will be allowed in respect of the expenditure in a subsequent application made under subsection 74 (1) (whole building review) or subsection 86 (1) (part building review), and where on the subsequent application the actual expenditure is substantially higher or lower than the projected expenditure the amounts allowed shall be decreased or increased proportionately.

Order by Minister

**90.** An order of the Minister on an application made under this Part may award a rent increase greater than that requested in the application and where the order does so, the maximum rent for each rental unit affected by the order will be established in accordance with the terms of the order, but the rent charged for any such rental unit during the twelve-month period following the effective date of the rent increase set out in the order shall not exceed the amount that would have been established for that rental unit had the rent increase requested in the application been awarded.

Where greater rent increase awarded than applied for

**91.**—(1) In this section, “chronically depressed rent” means the gross potential rent for a residential complex where,

Definition

- (a) the rent is more than 20 per cent below the gross potential rent for residential complexes that are comparable to the residential complex, in terms of number and type of rental units, quality and location; and

- (b) the rate of return on the landlord's equity in respect of the residential complex is less than 10 per cent.

Allowance re  
chronically  
depressed  
rent

(2) In an application made under section 74 not later than two years after the day this section comes into force in respect of a residential complex any part of which was occupied as a rental unit before the 1st day of January, 1976, where,

- (a) the landlord has owned the residential complex throughout the period from the 1st day of November, 1982, to the day the application is made; or
- (b) the landlord has acquired the residential complex by inheritance or through foreclosure proceedings from a previous landlord who had owned the residential complex throughout the period from the 1st day of November, 1982 to the date of its acquisition by the present landlord who in turn has owned it until the day the application is made,

and the Minister finds the gross potential rent is a chronically depressed rent, the Minister shall allow, in an order made under subsection 83 (1), an additional 2 per cent per year of the gross potential rent until the rent is no longer a chronically depressed rent.

Request for  
relief

(3) Where the Minister makes an order that provides for the allowance referred to in subsection (2), any tenant of a rental unit in the residential complex may make a request in the prescribed form to the Minister for relief from payment of the allowance.

Agreement  
providing for  
payment by  
Minister to  
landlord of  
allowance

(4) If the Minister determines that the tenant making the request meets the prescribed criteria for relief, the Minister shall inform the landlord, who shall thereupon enter into an agreement containing the prescribed terms with the Minister that will provide for payment by the Minister to the landlord of that portion of the maximum rent for the affected rental unit that is attributable to the allowance referred to in subsection (2).

Where  
landlord fails  
to enter into  
agreement

(5) If the landlord fails to enter into the agreement referred to in subsection (4), the Minister shall order that the portion of the allowance referred to in subsection (2) that affects the maximum rent of the rental unit shall not be charged by the landlord and may provide in the order that the landlord repay to the tenant any amount that is owing to the tenant by reason of the order.

(6) Where a rental unit in a residential complex whose gross potential rent is found to be a chronically depressed rent under subsection (2) becomes occupied by a new tenant or where an existing tenant of the rental unit agrees in writing thereto, the landlord, with the written approval of the Minister and without making an application under section 74 but subject to section 70, may increase the rent charged for that rental unit to the amount the rent would be for that rental unit at the time the gross potential rent for the residential complex has reached the level at which it is no longer a chronically depressed rent.

Where new tenant or existing tenant consents

(7) Where on the application in the prescribed form of a tenant or on the Minister's own motion the Minister finds a significant deterioration in the standard of maintenance and repair in respect of the rental unit or the residential complex in which it is situate has occurred after the date of the order mentioned in subsection (2), the Minister may order that the landlord no longer charge the allowance referred to in subsection (2) or any part thereof, or the increase in rent charged for a rental unit pursuant to subsection (6), and may declare the maximum rent that may be charged for the rental unit or units affected.

Deterioration in standard of maintenance and repair

(8) An application or motion under subsection (7) may not be made after the expiry of twelve months from the date that the rent for the rental unit is no longer chronically depressed.

Time for making application

**92.—**(1) An order made under this Part may provide for the phasing in over more than one year, in the prescribed manner, of any amount that is included (as a component of the total permitted rent increase) for the purpose of,

Phasing in of certain amounts that are components of total rent increase

- (a) eliminating a financial loss or an economic loss the landlord has experienced or will experience;
- (b) achieving equalization of rents charged for rental units within a residential complex;
- (c) raising the gross potential rent for a residential complex to the level where the rent is no longer a chronically depressed rent within the meaning of section 91;
- (d) relieving the landlord from hardship under subsection 79 (2) or (5); or
- (e) recovering financing cost increases that are subject to phasing in under the prescribed rules,

and where provision is made for such phasing in, the Minister shall specify in the order the phased in amount for the initial year and the method of calculating the amount for any subsequent year or years in which the phased in amount is applicable.

Notice by  
Minister to  
landlord and  
entry in rent  
registry

(2) The Minister shall calculate the phased in amount that is applicable in any year subsequent to the initial year and, not later than 120 days before the anniversary of the date of the first rent increase set out in the order, shall give notice in writing of the amount to the landlord who is affected and shall enter the phased in amount that is applicable for the year in the information recorded in the rent registry in respect of any rental unit that is affected thereby.

Notice to  
tenant

(3) The landlord shall include with a notice of rent increase given under section 5 any notice the landlord has received under subsection (2) that affects the amount of the rent increase set out in the notice given under section 5.

Increasing  
rent by  
phased in  
amount

(4) In addition to the amount by which, under section 71, the landlord could increase the rent charged, the landlord may, without making an application under this Act, increase the rent for a rental unit by the phased in amount set out in the notice given under subsection (2) respecting that rental unit.

Decrease in  
financing  
costs  
R.S.O. 1980,  
c. 452

**93.**—(1) Where a landlord has been awarded a rent increase under this Act or the *Residential Tenancies Act* that was justified, in whole or in part, by a rate increase in financing costs that took effect on or after the 1st day of August, 1985, if at the time the term of the mortgage or other instrument associated with the financing costs expires or is about to expire the Minister is of the opinion that the rate of interest required to be paid on a renewal or replacement of the mortgage or other instrument is lower by 1 per cent or more than the interest rate that justified the rent increase that was awarded, the Minister shall give notice thereof in writing to the landlord and the tenants of the residential complex that is affected.

Landlord to  
file  
documents  
with Minister

(2) Not later than thirty days after the receipt of a notice under subsection (1), the landlord shall file with the Minister all documents that are relevant to the financing costs that the landlord will experience following the expiry of the term of the mortgage or other instrument.

Order that  
maximum  
rent be not  
increased

(3) Unless the landlord makes an application under section 74 within the time set out therein, the Minister may, on the Minister's own motion, determine the amount of rent increase



that is no longer justified by reason of the lower interest rate and may order that the maximum rent chargeable for each rental unit in the residential complex as of the date of the order be not increased for a period of time determined in the prescribed manner.

(4) In making the determination under subsection (3) of the amount of increase that is no longer justified, the Minister shall take into account only the matters in respect of which the Minister may make findings under clause 75 (h).

Matters to be considered by Minister

**94.**—(1) A tenant who desires to dispute an intended rent increase for his or her rental unit that does not exceed the amount that the landlord is permitted to charge under section 71 may make an application in the prescribed form to the Minister for an order requiring the landlord to reduce the amount of the rent increase.

Application by tenant disputing intended rent increase

(2) Where the intended rent increase includes a phased in amount under the authority of section 92 in addition to the amount the landlord is permitted to charge under section 71, the tenant may dispute in accordance with this section that portion of the intended rent increase that is composed of the amount the landlord is permitted to charge under section 71.

Where phased in amount added to statutory increase

(3) No rent increase shall be reduced under this section when the rent increase results in a rent not exceeding the maximum permitted by an order by the Minister or the Board or by the Residential Tenancy Commission under the *Residential Tenancies Act*, for the applicable rental unit.

Exception

R.S.O. 1980, c. 452

(4) An application under this section shall be made not later than sixty days before the effective date of the intended rent increase.

Time for application

(5) Where an application is made by a tenant under this section, in determining a rent increase for the rental unit, the Minister shall consider only the following matters:

Considerations where tenant applies

1. Variations and the reasons therefor in the rent being charged by the landlord for similar rental units within the residential complex.
2. A change shown to have occurred in the standard of maintenance and repair or in the services and facilities provided that affects the rental unit.
3. The degree to which the rental unit complies with the maintenance standards established by the Residential Rental Standards Board.



Order setting  
maximum  
rent  
chargeable  
for the unit

(6) Where the Minister has made a determination on the application,

- (a) the Minister shall make an order setting the maximum rent that may be charged for the rental unit under review and the twelve-month period during which that maximum rent shall be in effect; and
- (b) the Minister may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Minister setting the maximum rent for the rental unit.

Application  
by landlord  
for  
equalization  
of rents

(7) Where a tenant makes an application under subsection (1) on the grounds set out in paragraph 1 of subsection (5), the landlord may, not later than thirty days from the day the tenant's application was filed, make an application to the Minister under subsection 84 (1).

First date  
of intended  
variation

(8) Notwithstanding subsection 84 (2), the first date of intended variation in rent in a landlord application under subsection 84 (1) as provided in subsection (7) shall be the effective date of the rent increase disputed by the tenant in the application under subsection (1).

Tenant not  
liable to pay  
illegal rent  
increase

**95.**—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Act.

Remedy

(2) Where, on the application in the prescribed form of a tenant, the Minister determines that the landlord has charged the tenant an amount of rent that is in excess of that permitted by this Act or Part XI of the *Residential Tenancies Act* or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, the Minister,

R.S.O. 1980,  
c. 452  
1975  
(2nd Sess.),  
c. 12

- (a) shall by order declare the maximum rent that may be charged for the rental unit concerned and the earliest date the maximum rent may take effect; and
- (b) where any excess rent paid by the tenant to the landlord is owed by the landlord to the tenant, shall, subject to subsection 13 (4), order the landlord to pay the excess rent owing to the tenant.

Where excess  
rent not to  
be repaid

(3) Notwithstanding subsection (2), the Minister shall not make an order for the payment of excess rent charged for a rental unit prior to the 1st day of August, 1985, where the sum of the excess rent and the lawful rent for the rental unit does not exceed the rent that could have been charged for the rental unit in the period when the excess rent was paid, if, to

the amount charged for the rental unit on the 29th day of July, 1975, or at the earliest time thereafter for which the rent charged is known, is added all increases permitted under *The Residential Premises Rent Review Act, 1975 (2nd Session)* and Part XI of the *Residential Tenancies Act*.

1975  
(2nd Sess.),  
c. 12  
R.S.O. 1980,  
c. 452

**96.** Where a landlord makes an application under section 74, 86 or 89, the Minister may refuse to recognize all or part of the capital expenditures or proposed capital expenditures claimed by the landlord where in the opinion of the Minister such expenditures are substantial and became necessary as a result of the landlord's ongoing deliberate neglect in maintaining the residential complex or any rental unit therein.

Consequences  
of neglect in  
maintaining  
residential  
complex or  
rental unit

**97.**—(1) In this section,

Definitions

“basic unit rent” means the amount of rent charged for a rental unit exclusive of any separate charges;

“separate charges” means the amounts of rent charged separately for any service, facility, privilege, accommodation or thing that the landlord provides for the tenant in respect of the tenant's occupancy of the rental unit.

(2) In any order under this Act in which the Minister sets out or declares the maximum rent that may be charged for a rental unit, the Minister may separately set out or declare the maximum basic unit rent and the maximum separate charges.

Minister may  
set out or  
declare basic  
unit rent and  
separate  
charges

(3) Notwithstanding subsection 82 (2) or 84 (3), an order of the Minister made under subsection 83 (1) or 84 (5) may provide for the immediate equalization of separate charges for parking spaces or other separate charges as may be prescribed.

Immediate  
equalization  
of separate  
charges

(4) Notwithstanding anything in this Act, where a landlord and tenant agree that the landlord will provide any additional, or discontinue the provision of any, parking spaces, or any other service, facility, privilege, accommodation or thing as may be prescribed, in respect of the tenant's occupancy of a rental unit, the maximum rent which may be charged for the rental unit shall be increased or decreased in the prescribed manner.

Adding or  
discontinuing  
services,  
facilities, etc.

(5) Where the Minister by order under subsection 13 (3) determines that an agreement under subsection (4) has been entered into as a result of some form of coercion, the agreement is not enforceable.

Coerced  
agreement  
not  
enforceable

Not increase  
for purposes  
of s. 70

(6) An increase in rent charged in accordance with this section does not constitute an increase in rent charged for the purposes of section 70.

Where rental  
unit not  
rented for  
some time  
again  
becomes  
rented

**98.** Where a rental unit that has been rented at any time on or after the 29th day of July, 1975, has subsequently been not rented for any period of time and then again becomes rented, the maximum rent shall be the amount the landlord would have been entitled to charge if the unit had been rented during the period it was not rented and the landlord had given notice or notices of rent increase in the amount permitted by this Act, *The Residential Premises Rent Review Act, 1975 (2nd Session)* or Part XI of the *Residential Tenancies Act*.

1975  
(2nd Sess.),  
c. 12

Where rental  
unit rented  
for first time

**99.** The rent charged by a landlord for a rental unit when the unit is rented for the first time on or after the 29th day of July, 1975, shall be deemed to be the maximum rent for that unit as of the date it so becomes rented for the first time, except as otherwise provided in the regulations made under this Act.

Additional  
charges  
prohibited

**100.**—(1) No landlord, or any person acting on behalf of the landlord shall, directly or indirectly, in respect of any rental unit,

- (a) collect or attempt to collect from a tenant or prospective tenant of the rental unit any fee, premium, commission, bonus, penalty, key deposit or other like amount of money;
- (b) require or attempt to require a prospective tenant to pay any consideration for goods or services as a condition for granting the tenancy, in addition to the rent the tenant is lawfully required to pay to the landlord; or
- (c) rent any portion of the rental unit for a rent which, together with all other rents payable for all other portions of the rental unit, is a sum that is greater than the rent the landlord lawfully may charge for the rental unit.

Idem

(2) No tenant or any person acting on behalf of the tenant shall, directly or indirectly,

- (a) sublet a rental unit for a rent that is greater than the rent that is lawfully charged by the landlord for the rental unit;

- (b) sublet any portion of the rental unit for a rent which, together with all other rents payable for all other portions of the rental unit, is a sum that is greater than the rent that is lawfully charged by the landlord for the rental unit;
- (c) collect or attempt to collect from any tenant or prospective tenant any consideration, fee, premium, commission, bonus, penalty, key deposit or other like amount of money, for subletting the rental unit or any portion thereof, for assigning a tenancy agreement for the rental unit or for otherwise parting with possession of the rental unit; or
- (d) require or attempt to require a prospective subtenant or assignee to pay any consideration for goods or services as a condition for the sublet or assignment in addition to the rent the subtenant or assignee is lawfully required to pay to the tenant or landlord.

## PART VII

### APPEALS

**101.**—(1) A landlord or a tenant directly affected by an order may, within thirty days of the giving of the order of the Minister, appeal any order of the Minister disposing of an application made under this Act, or an order made on the Minister's own motion, by filing a notice or notices of appeal in the prescribed form with the Board, together with any documents that the party appealing relies upon in support of the appeal and which were not filed with the Minister on the application.

Appeal from  
order of  
Minister

(2) The landlord and any tenant of a rental unit affected by an order made under section 87 or an order made pursuant to a joint application under section 89 may appeal the order jointly or individually.

Appeal of  
part building  
review order

(3) Where a notice of appeal is filed with the Board, a copy of the notice shall be given by the Board to the Minister who shall thereupon forward to the Board,

Record

- (a) the original or a true copy of the application or notice given under subsection 28 (1);
- (b) the original or a true copy of all documents and material filed in respect of the application or notice given under subsection 28 (1); and

- (c) a certified copy of the order appealed from together with the summary of reasons for the order.

Filing of documents, etc., by respondent

(4) Where any person has filed a notice of appeal, the other parties to the appeal shall, within thirty days of the filing of the notice of appeal, file with the Board the documents that the parties intend to rely upon at the hearing of the appeal and which were not filed with the Minister on the application or in response to a notice given under subsection 28 (1).

Notice to parties

(5) After receiving a notice of appeal under subsection (1), the Board shall give a notice to the parties stating the date, place and time when the appeal will be heard.

Issues may be heard together

(6) Where several different appeals have been made to the Board, and the Board is of the opinion that it would be appropriate to determine the issues raised by the appeals together, the Board may hear and determine the issues in dispute at a common hearing.

Issues may be heard separately

(7) Where the Board is of the opinion that it would be appropriate to deal with some of the issues raised by an appeal at separate hearings, the Board may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Issues on appeal limited

**102.**—(1) On the hearing of an appeal, the issues will be limited to those raised in the initial application, or raised in a matter brought on by the Minister's own motion, unless the Board otherwise allows.

Agreement to further limit issues

(2) Where all the parties to an appeal agree in writing, the Board may further limit the issues of the appeal to those issues agreed upon by the parties.

Evidence

(3) On the hearing of the appeal, the Board shall hear any evidence that is relevant to the issues, whether or not the evidence was tendered or was available on the initial application.

Burden of proof

(4) On the hearing of the appeal, the burden of proof lies on the party who made the initial application, or in the case of an appeal from an order made on the Minister's own motion, on the party bringing the appeal.

Hearing by single member

**103.**—(1) Subject to subsection (2), an appeal shall be heard by a single member of the Board.

Hearing by panel of three Board members

(2) The chairman shall assign a panel of three members of the Board to hear an appeal where any party to the appeal

files a request in the prescribed form with the Board not later than thirty days after the day the notice of appeal is filed.

(3) Where, before the hearing of an appeal has commenced, a party to the appeal who has filed a request under subsection (2) files with the Board a withdrawal of the request in the prescribed form, the appeal may, with the consent of the Board, be heard by a single member of the Board.

Withdrawal  
of request  
for panel  
of three  
members of  
the Board

**104.**—(1) Where any party to an appeal files a request therefor in the prescribed form with the Board or where the Board on its own initiative decides to do so, the Board may direct the parties to attend a pre-hearing conference, to be conducted by a single member of the Board, to discuss,

Pre-hearing  
conference

- (a) the issues to be dealt with on the hearing of the appeal;
- (b) whether any person ought to be added or removed as a party to the appeal;
- (c) the rental units affected by the appeal;
- (d) where a request has been filed under subsection 103 (2), whether the appeal should be heard by one member or a panel of three members of the Board; and
- (e) any procedural matter that arises or may arise in connection with the appeal.

(2) The member of the Board who conducts the conference may make such written recommendations as he or she considers necessary or advisable arising out of the matters discussed at the conference and any such recommendations shall be placed on the Board's record file pertaining to the appeal.

Recommen-  
dations

(3) Any party to the appeal is entitled to examine the recommendations made under subsection (2) and may submit representations in respect thereof to the Board at the hearing of the appeal.

Examina-  
tion of  
recommenda-  
tions

(4) The member of the Board who conducts the pre-hearing conference shall not hear the appeal or be a member of the panel that hears the appeal.

Board  
member not  
to  
hear appeal

(5) Notwithstanding subsection 105 (1), the *Statutory Powers Procedure Act* does not apply to a pre-hearing conference held under this section.

R.S.O. 1980,  
c. 484 not  
to apply



Application  
of  
R.S.O. 1980,  
c. 484

**105.**—(1) The *Statutory Powers Procedure Act* applies to proceedings by the Board in the exercise of a statutory power of decision.

Deemed  
compliance

(2) The giving to a party of a copy of a notice of appeal to the Board shall be deemed to be compliance with section 8 of the *Statutory Powers Procedure Act*.

R.S.O. 1980,  
c. 484

Procedure

**106.**—(1) Subject to the provisions of the *Statutory Powers Procedure Act*, and except as otherwise provided for by this Act, the Board may determine its own procedure for the conduct of hearings.

Policy  
guidelines,  
etc.,  
available to  
public

(2) All policy guidelines or rules of procedure made by the Board under subsection (1) for the conduct of hearings shall be made available for examination by the public.

Matters  
Board  
to consider

**107.**—(1) In addition to any material, evidence or information submitted to the Board on an appeal, in hearing any appeal, the Board may consider,

- (a) any matter the Minister was entitled to consider on the application;
- (b) any material and documents submitted to the Minister on the application; and
- (c) such other matters as it deems necessary or advisable for the purpose of dealing with the appeal.

Board may  
investigate,  
etc.

(2) The Board, in respect of any appeal, may,

- (a) conduct any enquiry or inspection of documents or premises that the Board considers necessary; and
- (b) question any person by telephone or otherwise.

Additional  
material

**108.**—(1) The Board may direct any party to the appeal to file such additional material as the Board considers necessary and the other parties shall have an opportunity to examine the additional material and to explain or refute it.

Where  
additional  
material  
not filed

(2) Where any party to the appeal fails to comply with a direction of the Board under subsection (1), the Board may,

- (a) in the case of the appellant, refuse to make an order allowing the appeal or that part of the appeal relating to the failure to comply with the direction; and



- (b) in the case of any other party to the appeal, refuse to take into account any representations made in respect of the matter regarding which there was a failure to comply with the direction.

**109.** At the hearing, the Board may question the parties who are in attendance and any witnesses with a view to determining the truth concerning the matters in dispute.

Board may question parties, etc.

**110.** In making its determination, the Board may consider any relevant information obtained by the Board in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it.

Other relevant information

**111.** Upon completion of a hearing, the Board shall by order,

Order of Board

- (a) affirm the order of the Minister;
- (b) vary the order of the Minister; or
- (c) substitute its own order for the order of the Minister,

and shall forthwith give a copy of the order to the parties to the appeal, together with reasons in writing for the order.

**112.** Where, within one year of the date of an order of the Board, the member, or panel of members, of the Board who made the order is of the opinion that a serious error has been made, the member or panel of members may, on the member's or panel's own motion, rehear any appeal and may affirm, rescind, amend or replace the order.

Power to rehear

**113.** An order of a Board member or an order of the majority of the members of a panel of Board members shall be deemed to be an order of the Board.

Order of member or majority of panel deemed order of Board

**114.** Where a member of a panel of Board members that is assigned to hear an appeal ceases for any reason to be a member of the Board,

Decisions by remaining members of panel of Board members

- (a) before the Board has made an order in respect of the appeal, the remaining two members of the panel may complete the hearing and make the order of the Board; or

- (b) after the Board has made an order in respect of the appeal, the remaining two members of the panel may, in the circumstances set out in section 112, decide to rehear the appeal and those two members, together with a third member appointed by the chairman may, after holding the rehearing, affirm, rescind, amend or replace the order,

but if the two members do not agree,

- (c) on the order to be made in the case mentioned in clause (a), the appeal shall be reheard before a new panel of Board members; or
- (d) on whether to rehear the appeal in the case mentioned in clause (b), a rehearing shall not be held.

Appeal to  
Divisional  
Court

**115.**—(1) Any party to an appeal under section 101 may, on a question of law, appeal an order of the Board to the Divisional Court.

Board  
entitled to  
be heard on  
appeal

(2) The Board is entitled to be heard by counsel or otherwise upon the argument on any issue in an appeal under this section.

Power of  
Divisional  
Court on  
appeal

(3) Where an appeal is brought under subsection (1), the Divisional Court shall hear and determine the appeal and may,

- (a) affirm, rescind, amend or replace the decision or order; or
- (b) remit the matter to the Board with the opinion of the Divisional Court,

and may make,

- (c) any other order in relation to the matter that it considers proper; and
- (d) any order, with respect to costs, that it considers proper.

Orders not  
stayed  
pending  
appeal

**116.** An appeal from an order of the Minister or the Board does not stay the order pending the hearing of the appeal.

## PART VIII

## LICENSING OF RESIDENTIAL TENANCY CONSULTANTS

**117.**—(1) The Minister may grant upon payment of the prescribed fee a licence to every person whom the Minister, in accordance with the prescribed procedures and criteria, considers qualified to act as a residential tenancy consultant and in accordance with the prescribed procedures may refuse, suspend or revoke any such licence.

Licence as  
residential  
tenancy  
consultant

(2) No person, for a fee, shall represent or appear as agent for a landlord or a tenant in any proceedings under this Act unless the person,

Licence  
required

- (a) is licensed under this Part as a residential tenancy consultant; or
- (b) is exempted by the regulations from the requirement to be licensed under this Part.

(3) Any agreement that provides for the payment of a fee to a person, other than one who is licensed or exempt as mentioned in subsection (2), for representing or appearing as an agent for a landlord or a tenant in any proceedings under this Act is void.

Where  
agreement to  
pay void

## PART IX

## MISCELLANEOUS

**118.** The Lieutenant Governor in Council may make regulations.

Regulations

1. prescribing forms of applications to the Minister and material to be furnished in respect of the application;
2. prescribing the form of a notice of appeal to the Board;
3. prescribing procedural and interpretative rules and policies to be observed by the Minister and the Board in the interpretation and administration of this Act or when exercising any power or discretion conferred under this Act;
4. prescribing, for the purposes of clause 4 (3) (a), rental units to which this Act applies;

5. prescribing, for the purposes of section 5, the form of the notice of a rent increase;
6. prescribing, for the purposes of clause 13 (3) (d), matters of concern in respect of which the Minister may make a determination;
7. prescribing, for the purposes of subsection 21 (5), rules for the computation of time;
8. prescribing, the form of the notice mentioned in subsection 28 (1);
9. prescribing, for the purposes of subsection 33 (2), the form of a summary of reasons for an order of the Minister;
10. prescribing, for the purposes of section 53, fees for the furnishing of copies of forms, notices or documents;
11. prescribing, for the purposes of subsection 56 (1), the form of a request for information from the rent registry;
12. prescribing, for the purposes of subsection 56 (1), rules for limiting the information recorded in the rent registry that shall be furnished to any person on request;
13. prescribing, for the purposes of subsection 56 (2), fees for the furnishing of information from the rent registry;
14. prescribing, for the purposes of subsection 57 (1), the form of the statement to be filed in connection with the rent registry;
15. prescribing, for the purposes of clause 57 (2) (a), the date for filing a statement under subsection 57 (1);
16. prescribing, for the purposes of subsection 58 (1), other information to be set out in the statement filed under subsection 57 (1);
17. prescribing the percentage mentioned in subsections 59 (2) and (3);

18. prescribing, for the purposes of section 60, the form of notice to be given by the Minister in respect of information recorded in the rent registry;
19. prescribing, for the purposes of subsections 63 (4) and (5), the form of justification;
20. prescribing, for the purposes of subsection 74 (4), the form of a cost revenue statement;
21. prescribing, for the purposes of clause 75 (a) and clause 87 (1) (a), the operating cost allowance;
22. prescribing, for the purposes of clause 75 (d) and clause 87 (1) (c), the allowances for management and administration in respect of capital expenditures;
23. prescribing, for the purposes of clause 75 (j), matters in respect of which the Minister may make findings;
24. prescribing, for the purposes of clause 78 (1) (a), interest rates on capital expenditures;
25. prescribing, for the purposes of subsection 79 (7), interest rates to be allowed;
26. prescribing, for the purposes of paragraph 4 of subsection 82 (1), matters to be taken into account by the Minister;
27. prescribing, for the purposes of subsection 86 (3), the form of a capital cost revenue statement;
28. prescribing, for the purposes of subsection 91 (3), the form of a request for relief;
29. prescribing, for the purposes of subsection 91 (4), the criteria to be met to qualify for relief;
30. prescribing, for the purposes of subsection 91 (4), the terms of an agreement to be entered into under that subsection;
31. prescribing, for the purposes of section 92, the manner of phasing in amounts;

32. prescribing, for the purposes of subsection 93 (3), the manner of determining the period of time the maximum rent chargeable may not be increased;
33. prescribing, for the purposes of subsection 97 (3), separate charges which may be equalized immediately;
34. prescribing, for the purposes of subsection 97 (4), the manner in which the rent may be increased or decreased;
35. prescribing, for the purposes of section 99, the method of determining maximum rent;
36. prescribing persons or classes of persons that are exempt from the requirement to be licensed under Part VIII;
37. prescribing, for the purposes of subsection 117 (1), criteria for licensing a person as a residential tenancy consultant;
38. prescribing, for the purposes of subsection 117 (1), fees for licences under Part VIII;
39. prescribing, for the purposes of subsection 117 (1), procedures to be followed where a licence is proposed to be refused, suspended or revoked;
40. prescribing, for the purposes of subsection 121 (1), the allowed amount of a contingency fee;
41. prescribing, for the purposes of constructing the Building Operating Cost Index, the Table setting out the weighting and components thereof;
42. defining any word or expression used in this Act that has not already been expressly defined in this Act;
43. prescribing anything that by this Act is to be or may be prescribed.

Substantial  
compliance  
with forms,  
etc.,  
sufficient

**119.** Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Minister or the Board, as the case may be, is of the opinion that it would result in unfairness to any person.

**120.** Any person may seek to secure and enforce the rights established by this Act and may, without let or hindrance, organize or participate in an association the purpose of which is to secure and enforce the rights established by this Act.

Enforcement  
of rights and  
participation  
in organi-  
zation

**121.**—(1) No agent who represents a landlord or a tenant in any proceedings under this Act or who assists a landlord or tenant in any matter arising under this Act shall charge or take a fee based on a proportion of any amount which has been or may be recovered, gained or saved in part or in whole through the efforts of the agent, where the proportion exceeds the prescribed amount.

Contingency  
fee limited

(2) Any agreement which provides for a fee prohibited in subsection (1) is void.

Contingency  
agreement  
void

**122.**—(1) Any person who knowingly,

Offences

- (a) fails to obey an order of the Minister or the Board;
- (b) furnishes false or misleading information in any application, document, written representation or statement to the Minister under this Act or in any proceedings before the Board;
- (c) increases the rent charged for a rental unit where less than twelve months has elapsed since the date of the last rent increase;
- (d) increases the rent charged for a rental unit by more than the amount referred to in section 71 unless authorized by the Minister or the Board to do so;
- (e) charges a higher rent for a rental unit than that permitted under an order of the Minister or the Board;
- (f) charges an amount that is in contravention of section 100;
- (g) fails to file with the Minister the statement required under section 57, in respect of the rent registry; or
- (h) charges or takes a fee that is in contravention of subsection 121 (1),

and every director or officer of a corporation who knowingly concurs in the prohibited act is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.



Where  
corporation  
convicted

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1).

Limitation

(3) Proceedings shall not be commenced, in respect of an offence under subsection (1), after one year after the date on which the offence was, or is alleged to have been, committed.

Monetary  
sums  
rounded  
to nearest  
dollar

**123.** Wherever under this Act a sum of money is required or permitted to be set out or expressed, the sum may be rounded to the nearest dollar and set out or expressed accordingly.

Proof of  
documents,  
etc.

**124.** In any prosecution for an offence under this Act, the production of any certificate, statement or document given to the Minister or to the Board under this Act or the regulations thereunder, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by such person or on such person's behalf, shall be received as *prima facie* proof that such certificate, statement or document was filed or delivered by or on behalf of that person or was made or signed by that person or on that person's behalf.

Moneys

**125.** The moneys required for administration of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

**126.—**(1) Clauses 134 (1) (c) and (d) of the *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Subsection (1) shall be deemed to have come into force on the 1st day of August, 1985.

**127.** Sections 60, 61, 70 to 73, 75 to 110, 114, 115, 117, 118, 120 to 133, clauses 134 (1) (a), (b), (f) and (g), subsections 134 (2) and (3) and subsection 135 (2) of the *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980, are repealed.

**128.** Section 7 of the *Residential Complexes Financing Costs Restraint Act*, 1982, being chapter 59, as amended by the Statutes of Ontario, 1983, chapter 69, section 1, 1984, chapter 65, section 1 and 1985, chapter 15, section 4, is repealed and the following substituted therefor:

Repeal

**7.—**(1) This Act is repealed on a day to be named by proclamation of the Lieutenant Governor.

(2) Despite subsection (1), this Act continues in force for the purpose of hearing and making orders in respect of applications made to the Commission under section 126 of the *Residential Tenancies Act* on or before the day immediately preceding the day on which this Act is repealed by proclamation of the Lieutenant Governor and not finally disposed of by the Commission on or before that day, and to appeals therefrom.

Saving

R.S.O. 1980,  
c. 452

**129.**—(1) Notwithstanding the repeal of the provisions mentioned in section 127, those provisions shall be deemed to be continued in force for the purposes only of continuing and finally disposing of the following matters:

Certain provisions deemed continued in force for certain purposes

1. An application made under the *Residential Tenancies Act* before the day this section comes into force.
2. An appeal of an order made under the *Residential Tenancies Act*.
3. A court proceeding commenced before the day this section comes into force to which the Residential Tenancy Commission is a party.
4. A court proceeding mentioned in subsection 84 (4) of the *Residential Tenancies Act* commenced before the day this section comes into force.

R.S.O. 1980,  
c. 452

(2) An application under the *Residential Tenancies Act* made before the day this section comes into force may, at any time before the hearing of the application has commenced, at the written election of the applicant, be continued and finally disposed of as an application made under the corresponding provisions of this Act.

Election to proceed under this Act  
R.S.O. 1980,  
c. 452

(3) For the purposes only of subsection (1), the Residential Tenancy Commission shall continue and has all the powers and jurisdiction conferred on it by the *Residential Tenancies Act*, and for that purpose all appointments of Commissioners and Appeal Commissioners and designations of Commissioners as members of the Board of Commissioners are confirmed and continued until the expiration of the term of appointment or a day to be named by proclamation of the Lieutenant Governor, whichever is earlier.

Residential Tenancy Commission continued for certain purposes  
R.S.O. 1980,  
c. 452

Where  
appeal may  
be heard  
before single  
Appeal  
Commis-  
sioner

(4) Notwithstanding subsection 117 (7) of the *Residential Tenancies Act*, an appeal from an order made under subsection 129 (2) of that Act may be heard before a single Appeal Commissioner, who need not be a member of the Board of Commissioners.

Commence-  
ment

**130.**—(1) This Act, except subsection 71 (1) and section 128, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 128 comes into force on the day this Act receives Royal Assent.

Idem

(3) Subsection 71 (1) shall be deemed to have come into force on the 1st day of August, 1985.

Short title

**131.** The short title of this Act is the *Residential Rent Regulation Act, 1986*.

## SCHEDULE A

(Clause 71 (1) (b))

The formula for calculating the Residential Complex Cost Index for the purposes of clause 71 (1) (b) is the greater of,

(a) 2 per cent; or

(b) 2 per cent plus  $\frac{2}{3}$  of the percentage increase in the three-year moving average of the Building Operating Cost Index, rounded to the nearest  $\frac{1}{10}$ th of 1 per cent.

The Building Operating Cost Index shall be constructed in accordance with the weighting and components set out in the prescribed Table, with the weighting adjusted annually in relation to changes, based on a three-year moving average, in the components.

## SCHEDULE B

(Clauses 75 (a) and 87 (1) (a))

The formula for calculating the operating cost allowance for the purposes of clauses 75 (a) and 87 (1) (a) is,

Operating Cost Allowance = Residential Complex Cost Index less 1 percentage point X the gross potential rent for the residential complex for the month immediately preceding the effective date of the first rent increase applied for X 12.

## CHAPTER 64

**An Act to amend  
certain Ontario Statutes  
to conform to section 15 of the  
Canadian Charter of Rights and Freedoms**

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,  
who may  
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

**2.** Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

**3.** Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

- 43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

**(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:**

- (a) the child, if the child has a legal obligation to support another person.

**(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".**

**(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".**

**5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (fa) "spouse" means,
  - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**9.—**(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

**10.** Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
  - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
  - (ii) any son or daughter of the person, or
  - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

**11.—**(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of  
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:



I, ..... do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's  
oath

I, ..... do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

**12.—**(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public  
school  
electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

**13.** Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"  
defined

(3) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

**14.—(1)** Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-  
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

**15.—(1)** Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) "surviving spouse" means a person who was the person's spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of  
exempted  
goods after  
death of  
debtor

**5.—(1)** After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

**16.** Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

**17.** Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

**18.—**(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

**3a.—**(1) Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(6) Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive  
discrimina-  
tion

**10.—**(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

(10) Section 16 of the said Act is amended by adding thereto the following subsections:

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(11) Subsection 16 (2) of the said Act is amended by striking out "the provision of access or amenities or as to" in the fifth and sixth lines.

(12) Subsection 19 (2) of the said Act is repealed.

(13) Subsection 20 (3) of the said Act is repealed.

(14) Subsection 20 (4) of the said Act is repealed.

(15) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(16) Subsections 40 (2) and (3) of the said Act are repealed.

(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

- (a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

**19.—**(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is

amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(2) Subsection 3 (2) of the said Act is amended by striking out "majority" in the second line and in the seventh line and inserting in lieu thereof in each instance "sixteen years".

(3) Subsection 4 (1) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(4) Subsection 4 (2) of the said Act is amended by striking out "majority" in the second line and in the fifth line and inserting in lieu thereof in each instance "sixteen years".

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

"spouse"  
defined

(1) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person's death, was living in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or
  - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Consent by  
spouse, etc.,  
for use of  
body  
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

**20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

**(2) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**(3) Clause 12 (1) (a) of the said Act is repealed.**

**21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom



that person is living in a conjugal relationship outside marriage.

**(2) Section 3 of the said Act is amended by adding thereto the following subsection:**

Declaration  
of unmarried  
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

**(3) Subsection 4 (2) of the said Act is repealed.**

**(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:**

Panel  
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

**(5) Section 34 of the said Act is repealed.**

**22.** Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

**23.—**(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

**24.—**(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*. 1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

**(3) Section 105 of the said Act is amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:**

Declaration  
for  
unmarried  
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

**25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.**

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re  
British  
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line.

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception  
for higher  
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:**

Exception  
for higher  
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

**29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.**

**30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.**

**(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:**

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

**(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:**

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out "under twenty-one years of age" in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**31.** The *Lord's Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

**32.** Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out "the spouse of any such artist" in the fifth line and inserting in lieu thereof "any person who was married to the artist immediately before the artist's death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist's death".

**33.—(1)** Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) "nearest relative" means,
  - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
  - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or



1986, c. 4

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

**(2) Clause 1 (r) of the said Act is repealed.**

**(3) Clause 1 (t) of the said Act is amended,**

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

**(4) Section 1 of the said Act is amended by adding thereto the following clause:**

- (ta) “review board” means the review board appointed under section 30.

**(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.**

**(6) The said Act is amended by adding thereto the following section:**

**8a.**—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Child as  
informal  
patient



(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application  
deemed  
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-  
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of  
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

**8b.** Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or  
voluntary  
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section Consent of spouse claims to be,

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.

(25) The said Act is further amended by adding thereto the following section:

Patient access  
to clinical  
record

**29a.**—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient’s own expense the clinical record of the patient’s observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of  
officer in  
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application  
to review  
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to  
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by  
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

(a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or

(b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure  
R.S.O. 1980,  
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of  
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application  
for review of  
patient  
determined  
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where  
patient not  
mentally  
competent,  
etc

Application of subss. (2-13) (17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

**(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:**

Review board (1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels (2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of panels (3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment of duties (4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re competence to patient (1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980, c. 234

Notice of child's right (1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.



(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

**32.** Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing  
deemed  
abandoned

(33) The said Act is further amended by adding thereto the following section:

**32a.**—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of  
certificate for  
review

(2) An extension of a certificate under subsection (1) is effective.

Authority of  
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.



Renewal of  
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of  
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal  
deemed a  
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment  
of time and  
place for  
hearing

**33b.**—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing  
within seven  
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of  
board

**33c.**—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician. Opinion substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision. Written reasons

**(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:**

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient. Party may examine clinical record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient. Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party. Idem

**(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line and in the eighth line.**

**(40) Subsection 33e (2) of the said Act is amended by striking out "regional" in the first line, in the second line and in the fifth line.**

**(41) Subsection 33e (3) of the said Act is amended by striking out "regional" in the first line.**

**(42) Subsection 33e (4) of the said Act is amended by striking out "regional" in the third line.**

**(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out "regional" in the first line.**

**(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:**

Time for  
appeal

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for  
answer

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Exception

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Extension of  
discontinued  
certificate

(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of  
certificate for  
appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Authority of  
extension

(1f) An extension of a certificate under subsection (1e) is effective,

(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;

(b) until the certificate is rescinded; or

(c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of  
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of  
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for  
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

**(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:**

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

Transcript  
and record

**(46) The said section 33f is further amended by adding thereto the following subsection:**

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

Early date  
for appeal

**(47) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.**

**(48) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.**

**(49) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.**

**(50) Section 34 of the said Act is repealed.**

**(51) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.**

**(52) Section 35 of the said Act is amended by adding thereto the following subsections:**

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Application  
for review of  
patient  
determined  
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

**(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:**

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

**(54) Subsection 35 (4) of the said Act is amended by striking out “regional” in the second last line.**

**(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:**

Criteria for  
treatment  
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment.

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

**(56) Subsection 35 (6) of the said Act is amended by striking out “regional” in the fourth line.**

**(57) Section 35 of the said Act is further amended by adding thereto the following subsections:**

Consent of  
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

- (b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

(58) The said Act is further amended by adding thereto the following section:

**35a.**—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

(59) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".

(60) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".

(61) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".



(62) Clause 65 (1) (i) of the said Act is amended by striking out “review boards and advisory review boards” in the second line and inserting in lieu thereof “the review board”.

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(65) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

**34.** Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability  
for spouse

**19.** Every person whose spouse is a patient is liable for the maintenance of that spouse.

**35.** Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom  
application  
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

**36.** Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:



- (a) he has attained the full age of sixteen years; and

**37.**—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”  
defined

- (a) to whom the person is married; or

- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications  
of applicants

(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.

(4) Section 101 of the said Act is amended,

- (a) by striking out “old age or” in the fourth line; and

- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

**38.** Clause 1 (n) of the *Municipal Conflict of Interest Act*, 1983, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

**39.** Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
- (i) to whom the person is married, or
  - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (A) have cohabited for at least one year,
    - (B) are together the parents of a child, or
    - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

**40.—(1)** Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

37. “spouse” means a person of the opposite sex,
- (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out "eighteen" in the second line and inserting in lieu thereof "sixteen".

**41.**—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out "male and female" in the third and fourth lines; and
- (b) by striking out "seventeen" in the fourth line and inserting in lieu thereof "eighteen".

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse.

Liability  
of spouse

**42.**—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(2) Clause 144 (3) (a) of the said Act is amended by striking out "whose mother is his sole support" in the second and third lines and inserting in lieu thereof "whose parent is a single parent who is the child's sole support".

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the sixth and seventh lines and inserting in lieu thereof "occupant's".

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "age of the occupant, his" in the fifth line and inserting in lieu thereof "occupant's".

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation (11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving spouse to remain after occupant’s death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

**43.** Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

**44.** Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

**45.** Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;  
or

**46.** Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

**47.—(1)** Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

**48.** Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**49.** Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

**50.** Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
  - (i) was married to a deceased partner immediately before the deceased partner died,
  - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
  - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

**51.** Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

**52.** Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex. “spouse”  
defined

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least a year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986. c. 4

**53.** Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

**54.** Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”  
defined

**55.** Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

**26.** No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

**56.** The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

**57.** Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.



**58.**—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation)”.

**59.**—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

**60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception  
for higher  
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

**61.** Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

**62.**—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

**63.**—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

**64.** Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

**65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:**

Labour in township in which poll tax is not levied

**5.** In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

**(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:**

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

**(3) Subsection 16 (3) of the said Act is repealed.**

**(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.**

**(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.**

**(6) Subsection 19 (2) of the said Act is repealed.**

**(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:**

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

**66.** Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

**67.** Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

**68.** Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education

of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

**69.** Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
  - (A) had cohabited for at least one year,
  - (B) were together the parents of a child, or
  - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

Commence-  
ment

**70.—(1) This Act, except,**

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsection 33 (53);
- (e) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (f) subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.

(4) Subsection 33 (53) comes into force on the 1st day of April, 1987. Idem

(5) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(6) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(7) Subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**71.** The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title





## CHAPTER 65

**An Act to amend the Oleomargarine Act***Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of the *Oleomargarine Act*, being chapter 324 of the Revised Statutes of Ontario, 1980, is amended by striking out "read under conditions substantially similar to those established by the United States Bureau of Internal Revenue" in the fifth and sixth lines.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is the *Oleomargarine Amendment Act, 1986*. Short title



## CHAPTER 66

### An Act to amend the Retail Sales Tax Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

**2.** Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

**3.** Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in  
name,  
address or  
nature of  
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

**4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,**

- (a) striking out "one dollar" in the seventh line of clause (a) and inserting in lieu thereof "two dollars"; and
- (b) striking out "one dollar" in the third line of clause (b) and inserting in lieu thereof "two dollars".

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after "(c)" in the first line "or (d)";
- (b) striking out "or" at the end of clause (d);
- (c) inserting "or" at the end of clause (e); and
- (d) by adding thereto the following clause:
  - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out "ethyl alcohol or methyl alcohol" in the first line and inserting in lieu thereof "ethanol or methanol"; and
- (b) striking out "alcohol" in the third line and inserting in lieu thereof "fuel".

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;
21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out "by a sanatorium as defined under the *Sanatoria for Consumptives Act* or" in the fifth, sixth and seventh lines and inserting in lieu thereof "purchased".

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after "school board" in the second line "community college".

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof "and repairs thereto".

(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after "more," in the eighth line "provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987".

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out "husband, wife" in the second line and inserting in lieu thereof "spouse".

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out "*Family Law Reform Act*" in the sixth line and inserting in lieu thereof "*Family Law Act, 1986*".

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition  
1986, c. 4

(4) In this section, "spouse" has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after "exhibition" in the third line "staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement are persons who are permanent residents in Canada as defined

in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980.  
c. 14

(3) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of  
vendors of  
taxable  
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of  
vendors who  
operate  
places of  
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.



(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
  - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
  - (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing  
effect of  
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and

- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*. Application  
of  
R.S.O. 1980,  
c. 526

**12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out “registered consumer” in the third line.**

(2) Clause 45 (3) (i) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,
  - (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,  
c. 198
    - (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or
    - (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* 1981, c. 59 or the *Gasoline Tax Act*, R.S.O. 1980,  
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,

and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

**(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:**

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,  
c. 198

1986, c. 66

Commence-  
ment and  
application

**13.—(1) This Act, except subsections 4 (10) and 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.**

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent. Idem

(3) Subsection 4 (10) comes into force on the 1st day of January, 1987. Idem

(4) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. Idem

(5) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. Idem

**14.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1986 (No. 2)*. Short title



## CHAPTER 67

### An Act to amend the Insurance Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of the *Insurance Act*, being chapter 218 of the Revised Statutes of Ontario, 1980, as amended by section 398 of the said chapter 218, is further amended by adding thereto the following paragraph:

13a. "compensation association" means a body corporate or unincorporated association the purpose of which is to provide compensation to claimants and policyholders of insolvent insurers and that has been designated under the regulations as a compensation association.

**2.** Section 22 of the said Act is amended by adding at the commencement thereof "Subject to the regulations".

**3.** The said Act is amended by adding thereto the following section:

**24a.**—(1) Where a compensation association has been designated by the regulations as a compensation association for any of the following classes of insurance,

Membership  
in compensation  
association

- (a) automobile insurance;
- (b) boiler and machinery insurance;
- (c) fire insurance;
- (d) inland transportation insurance;
- (e) live stock insurance;
- (f) public liability insurance;
- (g) plate glass insurance;

- (h) property damage insurance;
- (i) sprinkler leakage insurance;
- (j) theft insurance;
- (k) weather insurance; or
- (l) any such class or classes of insurance as may be designated in the regulations,

every insurer while licensed to carry on that class of insurance and for 183 days after ceasing to be so licensed shall be deemed to be a member of the compensation association and shall be bound by the by-laws and memorandum of operation of the compensation association.

Assessments  
and levies

(2) A member of a compensation association shall pay to the compensation association all assessments and levies made against the member by the compensation association, and, where the member fails to pay the assessment or levy within thirty days of the day the notice of the assessment or levy is mailed to the member,

- (a) the compensation association may claim the amount of the assessment or levy, with interest, as a debt due from the member or if the insurer has ceased to be a member, from the former member; and
- (b) the licence of the member to carry on insurance may be cancelled.

Non-  
application

(3) Subsections (1) and (2) do not apply to,

- (a) a mutual insurance corporation that is a member of the Fire Mutuals Guarantee Fund or such other insurers designated under the regulations as being adequately covered by some other plan of compensation;
- (b) an insurer whose business is limited to that of re-insurance;
- (c) an insurer named in an agreement entered into under section 97a as an insurer to whom subsections (1) and (2) do not apply; or
- (d) a reciprocal or inter-insurance exchange.



**4. Subsection 28 (1) of the said Act is repealed and the following substituted therefor:**

(1) A licence shall not be granted to a joint stock insurance company not licensed before the 1st day of January, 1971 unless the company furnishes to the Superintendent satisfactory evidence that if the company is applying for a licence to transact the business of life insurance, the company has paid up capital and surplus of not less than \$2,000,000, or such greater amount as the Minister in the circumstances may require, of which at least \$1,000,000 is paid up capital and at least \$500,000 is unimpaired surplus. Capital requirements for licence

(1a) A licence shall not be granted to a joint stock insurance company unless the company furnishes to the Superintendent satisfactory evidence that if the company is applying for a licence to transact any insurance other than life insurance, the company has, in aggregate, a paid up capital and unimpaired surplus of not less than \$3,000,000 or such greater amount as the Minister in the circumstances may require. Idem

(1b) Subsection (1a) does not apply until the 1st day of January, 1991 to a joint stock insurance company that immediately before the coming into force of that subsection was licensed under this Act, but the company shall furnish to the Superintendent satisfactory evidence when applying for a licence to transact any insurance, other than life insurance, that the company has, in aggregate, a paid up capital and unimpaired surplus of not less than \$1,000,000 or such greater amount as the Minister in the circumstances may require. Idem

(1c) A licence shall not be granted to a mutual insurance corporation, a cash-mutual insurance corporation, an insurance company mentioned in paragraph 6 of subsection 23 (1), or to an underwriter or syndicate of underwriters operating on the plan known as Lloyds, except upon proof that the net surplus of assets over all liabilities exceeds the amount fixed by subsection (1a) or (1b), as the case may be, for the paid in capital stock of joint stock insurance companies, and that such net surplus of assets over all liabilities together with the contingent liability of members, if any, exceeds the amount fixed by subsection (1a) or (1b), as the case may be, for the paid up capital and surplus of joint stock insurance companies for the respective classes of insurance mentioned therein. Idem

(1d) On the report of the Superintendent, the Lieutenant Governor in Council may by order exempt an insurer from the minimum capital requirements set out in subsection (1a), (1b) or (1c), as the case may be, if the insurer is offering its services only within Ontario or if the insurer is offering a spe- Idem

cialized or limited service that in the opinion of the Lieutenant Governor in Council does not require the support of higher capital requirements.

Idem

(1e) An exemption under subsection (1d) may be made subject to such conditions as the Lieutenant Governor in Council may impose.

**5. The said Act is further amended by adding thereto the following section:**

Additional  
requirements

**39a.**—(1) Subject to subsection (2), every insurer licensed under this Act,

- (a) shall submit with the annual statement required by subsection 81 (1) an opinion by an actuary as to the adequacy of provisions made for unearned premiums, unpaid claims and claims adjustment expenses as of the end of the year covered by the annual statement; and
- (b) shall maintain assets, exclusive of any investments of the insurer that are not authorized by this Act or that were not authorized by law at the time of acquisition in an amount that bears not less than a reasonable relationship to the outstanding liabilities, premiums and loss experience of the insurer, all in accordance with such calculation as may be prescribed by the regulations.

Exceptions

(2) This section does not apply to a mutual insurance corporation that is a member of the Fire Mutuals Guarantee Fund or to an insurer licensed to transact only,

- (a) the business of life insurance;
- (b) the business of accident and sickness insurance; or
- (c) the business of life insurance and the business of accident and sickness insurance.

Transition

(3) Until the day five years after the day this section comes into force, the Superintendent,

- (a) may accept an opinion under clause (1) (a) from a person other than an actuary, if the person has comparable experience and training and is approved by the Superintendent; and

(b) may exempt any insurer from any requirement or requirements of subsection (1) or the regulations passed in relation thereto for a period not exceeding one year and such an exemption,

(i) may be subject to such conditions as the Superintendent may impose, and

(ii) may be made retroactive to such date as the Superintendent may specify.

**6.—(1) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:**

(1) With respect to an insurer incorporated or organized under the laws of Ontario, where the Superintendent is of the opinion that, Report to Minister

(a) the assets of the insurer are not sufficient to justify its continuance in business or to provide for its obligations;

(b) the insurer is persistently failing to comply with section 39a; or

(c) the insurer is failing to comply with section 28,

the Superintendent shall so report to the Minister.

**(2) Clause 40 (2) (b) of the said Act is repealed and the following substituted therefor:**

(b) prescribe a time within which the insurer shall correct any failure or deficiency set out in the report of the Superintendent under subsection (1).

**(3) Subsection 40 (3) of the said Act is amended by striking out “fails to make good any deficiency of assets” in the first and second lines and inserting in lieu thereof “does not correct any failure or deficiency”.**

**(4) Subsection 40 (4) of the said Act is repealed and the following substituted therefor:**

(4) For the purpose of this section, the Minister may appoint such persons as the Minister considers necessary to appraise the assets and liabilities of the insurer and to determine the adequacy of its reserves and to report upon its condition. Appointment of appraisers, etc.

**7. The said Act is further amended by adding thereto the following section:**

Authority of  
Minister

**97a.** The Minister, with the approval of the Lieutenant Governor in Council, may enter into agreements with a compensation association related to the conduct of a plan to compensate policyholders and eligible claimants of insolvent insurers.

**8.—(1) Section 98 of the said Act is amended by adding thereto the following clauses:**

- (aa) prescribing forms and providing for their use;
- (ab) designating one or more bodies corporate or associations as compensation associations and designating any such body corporate or association as a compensation association for one or more classes of insurance;
- (ac) designating classes of insurance for the purposes of clause 24a (1) (l);
- (ad) designating insurers for the purposes of subsection 24a (3);
- (ae) prescribing ratios, percentages, amounts and calculations for the purposes of subsection 39a (1) and any such regulation may prescribe different ratios, percentages, amounts and calculations for one or more classes of insurance and for insurers whose business is limited to that of reinsurance;
- (af) exempting any insurer or class of insurers from any regulation made under clause (ae) subject to such terms and conditions as may be set out in the regulations;
- (ag) prescribing a maximum proportion of risks that may be reinsured with insurers that are not licensed under this Act and such proportion may vary for different classes of insurance.

**(2) The said section 98 is further amended by adding thereto the following subsection:**

Effective  
date of  
regulations

(2) A regulation made under clause (ae) does not come into force until the day thirty days after it is filed with the Registrar of Regulations or such later day as may be set out in the regulation.

**9.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**10.** The short title of this Act is the *Insurance Amendment Act, 1986*. Short title



## CHAPTER 68

**An Act respecting the Enforcement of  
Statutes related to the Environment***Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I

*Environmental Protection Act*

**1.—(1) Subsection 1 (1) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 52, section 1, is further amended,**

- (a) **by relettering clause (a) as (aa);**
- (b) **by adding thereto the following clauses:**
  - (a) “adverse effects” means one or more of,
    - (i) impairment of the quality of the natural environment for any use that can be made of it,
    - (ii) injury or damage to property or to plant or animal life,
    - (iii) harm or material discomfort to any person,
    - (iv) an adverse effect on the health of any person,
    - (v) impairment of the safety of any person,
    - (vi) rendering any property or plant or animal life unfit for use by man,
    - (vii) loss of enjoyment of normal use of property, and



(viii) interference with the normal conduct of business;

(ab) "analyst" means an analyst appointed under this Act;

(cb) "document" includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device.

(c) in clause (1), by inserting after "municipality" in the first line "as defined in this subsection".

(2) Section 1 of the said Act is amended by adding thereto the following subsection:

(3) A municipality that is convicted of an offence under this Act is liable to the penalty provided for a corporation convicted of the offence.

2. Section 4 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 3, is repealed and the following substituted therefor:

4.—(1) The Minister may appoint in writing as Directors,

- (a) such employees of the Ministry;
- (b) the members of such classes of employees of the Ministry; and
- (c) subject to the approval of the Lieutenant Governor in Council, such other persons or the members of such other classes of persons,

or any of them, as the Minister considers necessary in respect of such sections of this Act and in respect of such of the regulations or sections of the regulations as are set out in the appointments.

(2) The Minister may in writing appoint as analysts or designate as provincial officers,

- (a) such employees of the Ministry;

Idem,  
penalties

Directors

Analysts

- (b) the members of such classes of employees of the Ministry;
- (c) such other persons; and
- (d) the members of such classes of other persons,

or any of them, as the Minister considers necessary in respect of such sections of any Act administered by the Minister and in respect of such of the regulations or sections of the regulations under such Act as are set out in the appointments or designations.

(3) The Minister, in an appointment or designation under subsection (1) or (2), may limit the authority of a Director, analyst or provincial officer in such manner as the Minister considers necessary or advisable. Limitation of authority

**3. Section 6 of the said Act is amended by striking out “filed as provided by section 126” in the first and second lines and inserting in lieu thereof “a copy of which has been served upon the person responsible for a source of contaminant”.**

**4. Section 47 of the said Act is repealed.**

**5. Section 78 of the said Act is repealed and the following substituted therefor:**

**78.—**(1) Every person who fails to comply with a provision of this Part or a provision of a regulation relating to this Part that relates to litter is guilty of an offence and is liable on conviction to a fine of not more than \$500 on a first conviction and not more than \$1,000 on each subsequent conviction. Offence

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed is \$1,000 on a first conviction and \$2,000 on each subsequent conviction and not as provided in subsection (1). Idem, corporation

**78a.—**(1) Every person who fails to comply with a provision of this Part or a provision of a regulation relating to this Part that relates to packaging or containers rather than to litter is guilty of an offence and is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than \$1,000 on a first conviction and not more than \$2,000 on each subsequent conviction. Offence

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed for each day or part of a day on which the offence occurs or con- Idem, corporation

tinues is \$3,000 on a first conviction and \$6,000 on each subsequent conviction and not as provided in subsection (1).

**6. Clause 79 (1) (a) of the said Act is repealed.**

**7. The said Act is amended by adding thereto the following Part:**

PART X-A

FINANCIAL ASSURANCE

Definitions

**119a.** In this Part,

R.S.O. 1980,  
c. 361 “approval” means program approval, certificate of approval or provisional certificate of approval, and includes a permit or approval issued by a Director under the *Ontario Water Resources Act*, but does not include an approval under Part IX of this Act;

1980-81,  
c. 40 (Can.) “bank” means a bank named in Schedule A or Schedule B to the *Bank Act* (Canada);

“environmental measures” means one or more of the measures set out in clauses 119b (1) (a) to (c);

“financial assurance” means one or more of,

(a) cash, in the amount specified in the approval or order,

(b) a letter of credit from a bank, in the amount and terms specified in the approval or order,

(c) negotiable securities issued or guaranteed by the Government of Ontario or the Government of Canada in the amount specified in the approval or order,

(d) a personal bond accompanied by collateral security, each in the form, terms and amount specified in the approval or order,

R.S.O. 1980,  
c. 192 (e) a bond of a guarantee company approved under the *Guarantee Companies Securities Act*, in the form, terms and amount specified in the approval or order,

(f) a bond of a guarantor, other than a guarantee company, accompanied by collateral security, each in

the form, terms and amount specified in the approval or order,

- (g) an agreement, in the form and terms specified in the approval or order, and
- (h) an agreement, in the form and terms prescribed by the regulations;

“order” means an order by the Director under this Act, and includes an order, notice, direction, requirement or report made by a Director under the *Ontario Water Resources Act*, but does not include an order under section 119c (order for performance of environmental measures) of this Act;

R.S.O. 1980,  
c. 361

“works” means an activity, facility, thing, undertaking or site in respect of which an approval or order is issued.

**119b.**—(1) The Director may include in an approval or order in respect of a works a requirement that the person to whom the approval is issued or the order is directed provide financial assurance to the Crown in right of Ontario for any one or more of,

Financial  
assurance for  
compliance  
with approval  
or order

- (a) the performance of any action specified in the approval or order;
- (b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by the works to which the approval or order is related; and
- (c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works.

(2) A requirement under subsection (1) may provide that the financial assurance may be provided, reduced or released in stages specified in the approval or order.

Changes in  
amount of  
financial  
assurance

(3) The Director may amend an approval or order to change a requirement as to financial assurance contained in the approval or order.

Amendment  
of approval  
or order

**119c.**—(1) Failure to provide financial assurance specified in an approval or in accordance with a stage specified in an approval is grounds for revocation of the approval and for an order in writing by the Director prohibiting or restricting the

Failure to  
provide  
financial  
assurance

carrying on, operation or use of the works in respect of which the financial assurance is required.

Idem,  
order

(2) Failure to provide financial assurance specified in an order or in accordance with a stage specified in an order is grounds for an order in writing by the Director prohibiting or restricting the carrying on, operation or use of the works in respect of which the financial assurance is required.

Return or  
release of  
financial  
assurance

**119d.**—(1) Upon request, part or all of the financial assurance given in respect of a works may be returned or released pursuant to an order in writing by the Director.

Grounds for  
order

(2) The Director may make an order mentioned in subsection (1) if satisfied that the financial assurance returned or released is not required in respect of the works.

Continua-  
tion of  
financial  
assurance

**119e.** The Director may convert a financial assurance to cash to be held by the Crown to the same purposes as the financial assurance or otherwise realize the financial assurance unless the financial assurance is renewed at least thirty days before it would otherwise expire.

Order for  
use of  
financial  
assurance

**119f.**—(1) In the circumstances set out in subsection (2), the Director by order may require the performance of environmental measures for which the Crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures.

Basis for  
order

(2) The Director may make an order mentioned in subsection (1) if the Director has reasonable and probable ground to believe that any environmental measure required by the approval or order in respect of which the financial assurance was given has not been or will not be carried out in accordance with the requirement.

Parties  
affected

(3) An order under this section shall be directed to the person to whom the approval or order under section 119b (financial assurance) was issued or directed and to any person that to the knowledge of the Director has provided the financial assurance for or on behalf of the person to whom the approval or order was issued, or shall be directed to the successor or assignee of any such person.

Perfor-  
mance

(4) Upon the issuance of an order by the Director under subsection (1), the Crown may,

- (a) use any cash;

- (b) realize any bond or other form of security, and use the money derived therefrom; and
- (c) enforce any agreement,

provided or obtained as the financial assurance for the performance of the environmental measures and may carry out the environmental measures.

**8. Section 125 of the said Act is repealed.**

**9. Subsection 126 (2) of the said Act is repealed.**

**10. Section 135 of the said Act is repealed and the following substituted therefor:**

**135.—**(1) In this section, “official document” means, Definition

- (a) an approval, certificate, consent, licence, notice, permit, order or return under this Act or the regulations;
- (b) a certificate as to service of a document mentioned in clause (a);
- (c) a certificate or report as to the analysis, description, ingredients, quality, quantity or temperature of any solid, liquid or gas or any combination of any of them;
- (d) a certificate or report as to the analysis, description, quality or quantity of any odour, heat, sound, vibration, radiation or any combination of any of them;
- (e) a certificate or report as to the custody of any solid, liquid or gas or any combination of any of them;
- (f) a certificate as to the custody of any book, record or report or as to the custody of any other document; or
- (g) a certificate as to whether or not any document or notification was received or issued by the Minister or the Ministry under this Act or the regulations.

(2) An official document, other than an official document mentioned in clause (1) (c) or (d), that purports to be signed by the Minister, the Director or an employee in the Ministry shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in

Official  
documents  
as evidence



the official document without proof of the signature or position of the person appearing to have signed the official document.

Idem

(3) An official document mentioned in clause (1) (c), (d) or (e) that purports to be signed by an analyst shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

**11. Section 136 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23, is further amended by adding thereto the following subsection:**

Regulations relating to Part X-A

(9) The Lieutenant Governor in Council may make regulations relating to Part X-A prescribing requirements for financial assurance in respect of the classes of approvals or orders specified in the regulations.

**12. Section 141 of the said Act is repealed.**

**13. Section 144 of the said Act is amended by adding thereto the following subsection:**

Power to restrain by order upon conviction

(2) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other remedy and to any other penalty imposed by law, may make an order prohibiting the continuation or repetition by the person of the act or omission for which the person is convicted.

**14.—(1) Subsection 146 (1) of the said Act is repealed and the following substituted therefor:**

General offence

(1) Every person who contravenes this Act or the regulations is guilty of an offence.

Offence re order

(1a) Every person who fails to comply with an order under this Act is guilty of an offence.

Offence re approval, licence or permit, etc.

(1b) Every person who fails to comply with a term or condition of a certificate of approval or of a provisional certificate of approval or of a licence or permit under this Act or who fails to comply with the terms of a report under section 29 is guilty of an offence.

**(2) Subsection 146 (2) of the said Act is amended by striking out "subsection (1)" in the first line and inserting in lieu thereof "subsections (1), (1a) and (1b)".**



(3) Section 146 of the said Act is amended by adding thereto the following subsections:

(3) Every person who is guilty of an offence under subsection (1), (1a) or (1b) or section 147a is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than \$5,000 on a first conviction and not more than \$10,000 on each subsequent conviction. Penalty

(4) Where a corporation is convicted of an offence under subsection (1), (1a) or (1b), the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (3). Idem.  
corporation

**15. The said Act is further amended by adding thereto the following sections:**

**146a.**—(1) Every corporation convicted of a contravention of subsection 13 (1) or 119 (1) is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction and not as provided in section 146. Penalty re  
actual  
pollution

(2) Every person convicted of a contravention of subsection 13 (1) or 119 (1) is liable, in addition to or in substitution for the penalty set out in subsection 146 (3), to imprisonment for a term of not more than one year. Idem.  
imprisonment

(3) Subsection (2) does not apply unless the court is satisfied that the person was notified, before entering his or her plea, that a penalty would be sought under subsection (2). Notice

**146b.** For the purposes of determining the penalty to which a person is liable under subsection 146 (3) or (4) or under subsection 146a (1), a conviction of the person for an offence under this Act is a subsequent conviction if the person has previously been convicted of an offence under, Subsequent  
conviction

(a) this Act, other than for an offence related to Part VII (Sewage Systems) or Part VIII (Litter);

(b) the *Ontario Water Resources Act*, other than for an offence related to subsection 44 (2) or sections 45 to 48 (plumbing) of that Act; or R.S.O. 1980.  
c. 361

(c) the *Pesticides Act*. R.S.O. 1980.  
c. 376

Penalty re  
monetary  
benefit

**146c.** The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, notwithstanding any maximum fine elsewhere provided.

Order to  
protect and  
restore  
natural  
environment

**146d.**—(1) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a person of an offence under any other section of this Act, in addition to any other penalty imposed by the court, may order the person to take all or part of the action applied for to prevent, decrease or eliminate the effects on the natural environment of the offence and to restore the natural environment within the period or periods of time specified in the order.

Other  
conditions

(2) An order under subsection (1) may contain such other conditions relating to the circumstances of the offence and of the person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to rehabilitation.

Variation  
of order

(3) The court that made an order under subsection (1) may, at any time upon its own initiative or upon application by counsel for the prosecutor or upon the application of the person convicted or counsel or agent for the person convicted, with notice to the other party, after a hearing or, with the consent of the parties, without a hearing, make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances.

Conflict

(4) Nothing in subsection (1) authorizes the making of an order that conflicts with an order previously made under this Act by the Minister or the Director, but an order may be made under subsection (1) supplementing the provisions of an order in respect of the prevention, decrease or elimination of harm to the natural environment and the restoration of the natural environment.

Time  
period

(5) The court that makes an order under subsection (1) shall specify in the order the period for which it is to remain in force, which shall not be for more than one year from the date when the order takes effect.

Continuation  
in force

(6) Where a person bound by an order under subsection (1) is imprisoned, the order continues in force except in so far as the imprisonment renders it impossible for the person to comply for the time being with the order.

**146e.**—(1) Where a person is in default of payment of a fine imposed upon conviction for an offence against this Act, the *Ontario Water Resources Act*, the *Pesticides Act* or the regulations made under any of them, on the application of the Director, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

Suspension  
for default  
in payment  
of fine  
R.S.O. 1980,  
cc. 361, 376,  
400

- (a) one or more of the person's licences be suspended; and
- (b) no licence be issued to the person,

until the fine is paid.

(2) The Director shall,

Duty of  
Director

- (a) on being informed of an outstanding order referred to in subsection (1), suspend the person's licence, if it is not already suspended under another order referred to in subsection (1); and
- (b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence, unless the Director has been informed that,
  - (i) there is another outstanding order referred to in subsection (1) directing that the licence be suspended, or
  - (ii) the licence is suspended under any other order or under another statute.

(3) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section.

Regulations

(4) In this section, "licence" means a certificate of approval or provisional certificate of approval under Part V or a licence issued under this Act or the regulations.

Definition

**146f.** For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, official, employee or agent of a corporation in the course of his or her employment or in the exercise of his or her powers or the performance of his or her duties shall be deemed to be also an act or thing done or omitted to be done by the corporation.

Act of  
officer, etc.

**16.—(1)** Subsection 147 (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 4, is amended by striking out “results or” in the sixth line and by striking out “the person is liable to a fine of not less than \$2,000 and not more than \$25,000 for the first offence and for each subsequent offence to a fine of not less than \$4,000 and not more than \$50,000 for every day or part thereof upon which the offence occurs or continues, and not as provided in the section under which the person is convicted” in the seven-teenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second lines and inserting in lieu thereof:

“the person is liable on conviction,

- (i) for each day or part of a day on which the offence occurs or continues to a fine of not less than \$2,000 and not more than \$5,000 on a first conviction and not less than \$4,000 and not more than \$15,000 on each subsequent conviction;
- (j) to imprisonment for a term of not more than one year; or
- (k) to both such fine and imprisonment,

instead of the fine elsewhere provided for the offence”.

**(2)** Subsections 147 (2), (3) and (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 4, are repealed and the following substituted therefor:

Idem,  
corporation

(2) Where a corporation is convicted of an offence referred to in subsection (1), the corporation is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

Penalty  
where  
adverse  
effects occur

(3) Where a natural person is convicted of an offence referred to in subsection (1) that results in any of the effects mentioned in clauses (1) (a) to (h), the person is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$10,000 on a first conviction and not less than \$4,000 and not more than \$25,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

Idem,  
corporation

(4) Where a corporation is convicted of an offence referred to in subsection (1) that results in any of the effects mentioned

in clauses (1) (a) to (h), the corporation is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$250,000 on a first conviction and not less than \$4,000 and not more than \$500,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

(5) Subsections (1) to (4) do not apply unless the court is satisfied that the defendant was notified before entering a plea that a penalty would be sought under subsection (1), (2), (3) or (4). Notice

**17.** The said Act is further amended by adding thereto the following section:

**147a.**—(1) Every director or officer of a corporation that engages in an activity that may result in the deposit, addition, emission or discharge of a contaminant into the natural environment contrary to this Act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful deposit, addition, emission or discharge. Duty of director or officer

(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence. Offence

(3) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted. Liability to conviction

## PART II

### *Ontario Water Resources Act*

**18.** Section 1 of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, is amended,

(a) by relettering clause (a) as clause (aa); and

(b) by adding thereto the following clauses:

(a) “analyst” means an analyst appointed under the *Environmental Protection Act*;

R.S.O. 1980,  
c. 141

(ia) “document” includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey,

book of account and information recorded or stored by means of any device.

**19.** The said Act is amended by adding thereto the following section:

The Crown

**1a.** Effective the 31st day of March, 1987, this Act binds the Crown.

**20.** Subsection 2 (2) of the said Act is repealed and the following substituted therefor:

Idem.  
plumbing

(2) The Minister of Housing or such other member of the Executive Council to whom the administration may be assigned is responsible for the administration of sections 45, 46, 47 and 48.

**21.** Subsection 7 (4) of the said Act is repealed.

**22.** Subsection 10 (4) of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues” in the fourth, fifth and sixth lines.

**23.—**(1) Subsection 16 (1) of the said Act is amended by striking out “and on conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment” in the eighth, ninth, tenth, eleventh and twelfth lines.

(2) Subsection 16 (2) of the said Act is repealed.

(3) Subsection 16 (4) of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$5,000” in the third and fourth lines.

**24.** Subsections 17 (2) and (3) of the said Act are repealed.

**25.** Subsection 18 (2) of the said Act is repealed.

**26.** Subsection 19 (2) of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both” in the twelfth, thirteenth and fourteenth lines.

**27.** Subsection 20 (8) of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$200



for every day the contravention continues” in the seventh and eighth lines.

**28.** Section 22q of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 50, section 1, is repealed.

**29.—(1)** Subsection 23 (2) of the said Act is repealed.

(2) Subsection 23 (5) of the said Act is repealed and the following substituted therefor:

- (5) Every municipality or person that, Offence
- (a) fails to comply with any direction or order given or made by a Director under subsection (3); or
  - (b) contravenes any of the terms and conditions of the approval granted by a Director under subsection (4),

is guilty of an offence.

(3) Subsection 23 (6) of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines.

(4) Subsection 23 (8) of the said Act is repealed and the following substituted therefor:

(8) Every municipality or person that fails to comply with any direction given by a Director under subsection (7) is guilty of an offence. Offence

**30.—(1)** Subsection 24 (2) of the said Act is repealed.

(2) Subsection 24 (5) of the said Act is repealed and the following substituted therefor:

- (5) Every municipality or person that, Offence
- (a) fails to comply with any direction or order given or made by a Director under subsection (3); or
  - (b) contravenes any of the terms and conditions of the approval granted by a Director under subsection (4),

is guilty of an offence.



(3) Section 24 of the said Act is amended by adding thereto the following subsection:

Deemed  
approval

(7) Every sewage works constructed, extended or altered by the Crown or by the former Ontario Water Resources Commission before the 1st day of July, 1987 or that is under construction, extension or alteration by the Crown on the 30th day of June, 1987 shall be deemed to be constructed, extended or altered in accordance with an approval under this section.

**31.** Section 31 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines.

**32.** Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Offence

(2) Every municipality or person that fails to comply with any direction given by a Director under subsection (1) is guilty of an offence.

**33.** Subsection 33 (2) of the said Act is amended by striking out “and on conviction is liable to a fine of \$500 for every day upon which such default continues after receipt of the report” in the fourth, fifth and sixth lines.

**34.** Subsection 43 (12) of the said Act is repealed.

**35.—**(1) Subsection 44 (1) of the said Act is amended by adding thereto the following clause:

- (t) classifying materials and exempting any class of materials from the application of this Act or the regulations or any provision of this Act or the regulations when the materials are used for a purpose that is a benefit to the public and that is specified in the regulations, and prescribing conditions to which any such exemption shall be subject.

(2) Subsection 44 (2) of the said Act is amended by striking out “Minister of Consumer and Commercial Relations” in the second line and inserting in lieu thereof “Minister of Housing or such other member of the Executive Council to whom the administration of sections 45, 46, 47 and 48 may be assigned”.

(3) Subsection 44 (4) of the said Act is amended by striking out “this section” in the second line and inserting in lieu thereof “subsection (2)”.

**36.** Section 50 of the said Act is repealed.

**37.** Subsection 51 (3) of the said Act is repealed.

**38.** Subsection 52 (2) of the said Act is repealed.

**39.** Section 56 of the said Act is amended by adding thereto the following subsection:

(2) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a municipality or person of an offence under this Act, in addition to any other remedy and to any other penalty imposed by law, may make an order prohibiting the continuation or repetition by the municipality or person of the act or omission for which the municipality or person is convicted.

Power to  
restrain by  
order upon  
conviction

**40.** Section 59 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$500” in the fifth and sixth lines.

**41.** The said Act is further amended by adding thereto the following sections:

**66.**—(1) Every municipality or person that contravenes this Act or the regulations is guilty of an offence.

Offence,  
general

(2) Every municipality or person that fails to comply with an order, notice, direction, requirement or report made under this Act is guilty of an offence.

Offence  
re order,  
notice,  
direction

(3) Every municipality or person that contravenes a term or condition of a licence, permit, approval or report made under this Act is guilty of an offence.

Offence  
re licence,  
permit,  
approval

(4) Subsections (1) to (3) do not apply in respect of subsection 44 (4) or 46 (3).

Application  
to  
subss. 44 (4),  
46 (3)

**67.**—(1) Every person convicted of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than \$5,000 on a first conviction and not more than \$10,000 on each subsequent conviction.

Penalty

(2) Where a municipality or other corporation is convicted of an offence under this Act, the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (1).

Idem,  
municipality  
or  
corporation

Application  
to  
subss. 44 (4),  
46 (3)

(3) Subsections (1) and (2) do not apply in respect of sub-section 44 (4) or 46 (3).

Offences re  
actual  
pollution

**68.**—(1) Every person convicted of an offence under this Act in respect of subsection 16 (1) or clause 19 (2) (b) is liable, in addition to or in substitution for the penalties set out in section 67, to imprisonment for a term of not more than one year.

Idem.  
municipality  
or other  
corporation

(2) Where a municipality or other corporation is convicted of an offence in respect of subsection 16 (1) or clause 19 (2) (b), the fine that may be imposed for each day or part of a day on which the offence occurs or continues is not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction and not as provided in section 67.

Notice

(3) Subsection (1) does not apply unless the court is satisfied that the person was notified, before entering his or her plea, that a penalty would be sought under subsection (1).

Subsequent  
conviction

**69.** For the purposes of determining the penalty to which a person or a municipality or other corporation is liable under section 67 or 68, a conviction for an offence under this Act is a subsequent conviction if the person or the municipality or other corporation has previously been convicted of an offence under,

(a) this Act, other than for an offence related to sub-section 44 (2) or sections 45 to 48 (plumbing);

R.S.O. 1980,  
c. 141

(b) the *Environmental Protection Act*, other than for an offence related to Part VII—Sewage Systems or Part VIII—Litter; or

R.S.O. 1980,  
c. 376

(c) the *Pesticides Act*.

Penalty re  
monetary  
benefit

**70.** The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, notwithstanding any maximum fine elsewhere provided.

Order to  
protect and  
restore  
environment

**71.**—(1) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a municipality or person of an offence under this Act, in addition to any other penalty imposed by the court, may order the municipality or person to take all or part of the action applied for to

prevent, decrease or eliminate the effects on the environment of the offence and to restore the environment within the period or periods of time specified in the order.

(2) An order under subsection (1) may contain such other conditions relating to the circumstances of the offence and of the municipality or person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to rehabilitation.

Other  
conditions

(3) The court that made an order under subsection (1) may, at any time upon its own initiative or upon application by counsel for the prosecutor or upon the application of the municipality or person convicted or counsel or agent for the municipality or person convicted, with notice to the other party, after a hearing or, with the consent of the parties, without a hearing, make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances.

Variation  
of order

(4) Nothing in subsection (1) authorizes the making of an order that conflicts with an order, notice, direction or requirement or prevents the implementation of a report previously made under this Act by the Minister or a Director, but an order may be made under subsection (1) supplementing the provisions of an order in respect of the prevention, decrease or elimination of harm to the environment and the restoration of the environment.

Conflict

(5) The court that makes an order under subsection (1) shall specify in the order the period for which it is to remain in force, which shall not be for more than one year from the date when the order takes effect.

Time  
period

(6) Where a person bound by an order under subsection (1) is imprisoned, the order continues in force except in so far as the imprisonment renders it impossible for the person to comply for the time being with the order.

Continuation  
in force

**72.**—(1) Where a person is in default of payment of a fine imposed upon conviction for an offence against this Act, the *Environmental Protection Act*, the *Pesticides Act* or the regulations made under any of them, on the application of the Director, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

Suspension  
for default  
in payment  
of fine  
R.S.O. 1980,  
cc. 141, 376,  
400

- (a) one or more of the person's licences be suspended;  
and
- (b) no licence be issued to the person,

until the fine is paid.

Duty of  
Director

(2) The Director shall,

- (a) on being informed of an outstanding order referred to in subsection (1), suspend the person's licence, if it is not already suspended under another order referred to in subsection (1); and
- (b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence, unless the Director has been informed that,
  - (i) there is another outstanding order referred to in subsection (1) directing that the licence be suspended, or
  - (ii) the licence is suspended under any other order or under another statute.

Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section.

Definition

(4) In this section, "licence" means a licence or permit under this Act or the regulations.

Act of  
officer, etc.

**73.** For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, official, employee or agent of a municipality or other corporation in the course of his or her employment or in the exercise of his or her powers or the performance of his or her duties shall be deemed to be also an act or thing done or omitted to be done by the municipality or other corporation.

Definition

**74.—**(1) In this section, "official document" means,

- (a) an approval, certificate, consent, licence, notice, permit, order or return under this Act or the regulations;
- (b) a certificate as to service of a document mentioned in clause (a);
- (c) a certificate or report as to the analysis, description, ingredients, quality, quantity or temperature of any solid, liquid or gas or any combination of any of them;

- (d) a certificate or report as to the analysis, description, quality or quantity of any odour, heat, sound, vibration, radiation or any combination of any of them;
- (e) a certificate or report as to the custody of any solid, liquid or gas or any combination of any of them;
- (f) a certificate as to the custody of any book, record or report or as to the custody of any other document; or
- (g) a certificate as to whether or not any document or notification was received or issued by the Minister or the Ministry under this Act or the regulations.

(2) An official document, other than an official document mentioned in clause (1) (c) or (d), that purports to be signed by the Minister or an employee in the Ministry shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

Official documents as evidence

(3) An official document mentioned in clause (1) (c), (d) or (e) that purports to be signed by an analyst shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

Idem

**42.** The said Act is further amended by adding thereto the following section:

**75.**—(1) Every director or officer of a corporation that engages in an activity that may result in the discharge or deposit of any material of any kind with possible impairment of the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse contrary to this Act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful discharge or deposit.

Duty of director or officer

(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

Offence

(3) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted.

Liability to conviction



## PART III

*Pesticides Act*

**43.** Subsection 1 (1) of the *Pesticides Act*, being chapter 376 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

R.S.O. 1980,  
c. 141

(aa) “analyst” means an analyst appointed under the *Environmental Protection Act*;

(ca) “document” includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device.

**44.** Section 8 of the said Act is repealed and the following substituted therefor:

Act of  
officer etc

**8.** For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, official, employee or agent of a corporation in the course of his or her employment or in the exercise of his or her powers or the performance of his or her duties shall be deemed to be also an act or thing done or omitted to be done by the corporation.

**45.** Section 34 of the said Act is repealed and the following substituted therefor:

Offence

**34.—**(1) Every person who contravenes this Act or a regulation is guilty of an offence.

Offence,  
orders

(2) Every person who fails to comply with an order under this Act is guilty of an offence.

Offence,  
licence  
or permit

(3) Every person who fails to comply with a term or condition of a licence or permit made or issued under this Act is guilty of an offence.

**46.** Section 34a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 51, section 1, is renumbered as section 34f.

**47.** The said Act is amended by adding thereto the following sections:

Penalty

**34a.—**(1) Every person who is guilty of an offence under this Act is liable on conviction for each day or part of a day



on which the offence occurs or continues to a fine of not more than \$5,000 on a first conviction and not more than \$10,000 on each subsequent conviction.

(2) Where a corporation is convicted of an offence under this Act, the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction and not as provided in subsection (1).

Idem.  
corporation

**34b.** The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, notwithstanding any maximum fine elsewhere provided.

Penalty re  
monetary  
benefit

**34c.**—(1) Every person convicted under this Act for the contravention of section 4 or of a stop order made under section 20 is liable, in addition to or in substitution for the penalties set out in section 34a, to imprisonment for a term of not more than one year.

Offence re  
actual  
pollution

(2) Where a corporation is convicted of an offence under a section mentioned in subsection (1), the fine that may be imposed for each day or part of a day on which the offence occurs or continues is not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction and not as provided in section 34a.

Idem.  
corporation

(3) Subsection (1) does not apply unless the court is satisfied that the person was notified, before entering his or her plea, that a penalty would be sought under subsection (1).

Notice

(4) For the purposes of determining the penalty to which a person is liable under section 34a or under subsection (1) or (2) of this section, a conviction of the person for an offence under this Act is a subsequent conviction if the person has previously been convicted of an offence under,

Subsequent  
conviction

(a) this Act;

(b) the *Environmental Protection Act*, other than for an offence related to Part VII—Sewage Systems or Part VIII—Litter; or

R.S.O. 1980,  
c. 141

(c) the *Ontario Water Resources Act*, other than for an

R.S.O. 1980,  
c. 361

offence related to subsection 44 (2) or sections 45 to 48 (plumbing) of that Act.

Order re  
damage

**34d.**—(1) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person to take all or part of the action applied for to prevent, decrease or eliminate the effects on the environment of the offence and to restore the environment within the period or periods of time specified in the order.

Other  
conditions

(2) An order under subsection (1) may contain such other conditions relating to the circumstances of the offence and of the person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to rehabilitation.

Variation  
of order

(3) The court that made an order under subsection (1) may, at any time upon its own initiative or upon application by counsel for the prosecutor or upon the application of the person convicted or counsel or agent for the person convicted, with notice to the other party, after a hearing or, with the consent of the parties, without a hearing, make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances.

Conflict

(4) Nothing in subsection (1) authorizes the making of an order that conflicts with an order previously made under this Act by the Minister or the Director, but an order may be made under subsection (1) supplementing the provisions of an order in respect of the prevention, decrease or elimination of harm to the environment and the restoration of the environment.

Time  
period

(5) The court that makes an order under subsection (1) shall specify in the order the period for which it is to remain in force, which shall not be for more than one year from the date when the order takes effect.

Continuation  
in force

(6) Where a person bound by an order under subsection (1) is imprisoned, the order continues in force except in so far as the imprisonment renders it impossible for the person to comply for the time being with the order.

Suspension  
for default  
in payment  
of fine  
R.S.O. 1980,  
cc. 141, 361,  
400

**34e.**—(1) Where a person is in default of payment of a fine imposed upon conviction for an offence against this Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the regulations made under any of them, on

the application of the Director, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

- (a) one or more of the person's licences be suspended; and
- (b) no licence be issued to the person,

until the fine is paid.

(2) The Director shall,

Duty of  
Director

- (a) on being informed of an outstanding order referred to in subsection (1), suspend the person's licence, if it is not already suspended under another order referred to in subsection (1); and
- (b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence, unless the Director has been informed that.
  - (i) there is another outstanding order referred to in subsection (1) directing that the licence be suspended, or
  - (ii) the licence is suspended under any other order or under another statute.

(3) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section.

Regulations

(4) In this section, "licence" means a licence or permit under this Act or the regulations.

Definition

**48.** The said Act is further amended by adding thereto the following section:

**34g.**—(1) Every director or officer of a corporation that engages in an activity that may cause an effect mentioned in subsection (3) contrary to this Act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful effect.

Duty of  
director or  
officer

(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

Offence

## Effects

(3) The effect referred to in subsection (1) is any one or more of,

- (a) impairment of the quality of the environment for any use that can be made of it;
- (b) injury or damage to property or plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person; or
- (f) directly or indirectly rendering any property or plant or animal life unfit for human use,

from a pesticide or any substance or thing containing a pesticide to a greater degree than would necessarily result from the proper use or storage of the pesticide.

## Liability to conviction

(4) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted.

**49. Section 36 of the said Act is repealed and the following substituted therefor:**

## Definition

**36.—**(1) In this section, “official document” means,

- (a) an approval, certificate, consent, licence, notice, permit, order or return under this Act or the regulations;
- (b) a certificate as to service of a document mentioned in clause (a);
- (c) a certificate or report as to the analysis, description, ingredients, quality, quantity or temperature of any solid, liquid or gas or any combination of any of them;
- (d) a certificate or report as to the analysis, description, quality or quantity of any odour, heat, sound, vibration, radiation or any combination of any of them;
- (e) a certificate or report as to the custody of any solid, liquid or gas or any combination of any of them;

- (f) a certificate as to the custody of any book, record or report or as to the custody of any other document; or
- (g) a certificate as to whether or not any document or notification was received or issued by the Minister or the Ministry under this Act or the regulations.

(2) An official document, other than an official document mentioned in clause (1) (c) or (d), that purports to be signed by the Minister or an employee in the Ministry shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

Official documents as evidence

(3) An official document mentioned in clause (1) (c), (d) or (e) that purports to be signed by an analyst shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

Idem

**50.** Section 37 of the said Act is amended by adding thereto the following subsection:

(3) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other remedy and to any other penalty imposed by law, may make an order prohibiting the continuation or repetition by the person of the act or omission for which the person is convicted.

Power to restrain by order upon conviction

**51.** This Act comes into force on the day it receives Royal Assent.

Commencement

**52.** The short title of this Act is the *Environment Enforcement Statute Law Amendment Act, 1986*.

Short title



## CHAPTER 69

### An Act to amend the Assessment Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Paragraph 18 of section 3 of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by striking out “other” in the fifth line.

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 28, section 2, is further amended by adding thereto the following paragraph:

23. Roller-coasters, monorails, slides, ferris wheels, merry-go-rounds or other similar mechanical amusement devices on which a person rides, including any machinery, equipment, rails, supports and trestles used for their operation and the foundations on which they rest, erected or placed upon, in, over, under or affixed to land occupied by the operator of an amusement park.

Amusement  
rides

**2.** In each of the years 1987, 1988 and 1989, the Minister of Municipal Affairs may make grants, upon such terms and conditions as the Minister considers necessary, to any municipality to compensate the municipality for a loss of tax revenue resulting from the exemption conferred by paragraph 23 of section 3 of the *Assessment Act*, as enacted by subsection 1 (2) of this Act.

Grants by  
Minister of  
Municipal  
Affairs

**3.—(1)** Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

(1) Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section, shall be assessed for a sum to be called “business assessment” to be computed by reference to the assessed value of the land so occupied or used by that person as follows:

Business  
assessment



- (a) The business of a distiller for a sum equal to 140 per cent of the assessed value of the land so occupied or used, exclusive of any portion of the land occupied or used for the distilling of alcohol solely for industrial purposes and for a sum equal to 75 per cent of the assessed value as to such last-mentioned portion.
- (b) The business of a wholesale merchant, brewer, insurance company, loan company, trust company, express company carrying on business on or in connection with a railway or steamboats or other vessels, land company, loaning land corporation, bank, banker, credit union, caisse populaire or any other financial business, for a sum equal to 75 per cent of the assessed value of the land so occupied or used.
- (c) The business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly owned, controlled or operated by the seller or distributor, for a sum equal to 75 per cent of the assessed value of the land occupied or used in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with such business.
- (d) The business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value of the land so occupied or used, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of selling by wholesale the goods that manufacturer manufactures on such land.
- (e) The business of a department store or the business of selling goods or services through a chain of more than five stores, shops or outlets in Ontario, except a hotel or motel, for a sum equal to 50 per cent of the assessed value of the land so occupied or used.
- (f) The business of,
  - (i) a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, optometrist, ophthalmic dispenser, physiotherapist,

podiatrist, aurist, dentist or veterinarian, or a civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private investigator, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect or any person carrying on business as an agent, or

- (ii) operating a radio or television broadcasting station, or
- (iii) publishing a newspaper, or a photographer, lithographer, printer or publisher, or
- (iv) operating a stock exchange or commodity exchange.

for a sum equal to 50 per cent of the assessed value of the land so occupied or used.

(g) The business of.

- (i) a telegraph or telephone company, or
- (ii) a transportation system, other than one for the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, or
- (iii) the transmission of water or of steam, heat or electricity for the purposes of light, heat or power,

for a sum equal to 30 per cent of the assessed value of the land so occupied or used, except a highway, lane or other public communication or public place or water or private right of way, occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

- (h) The business of transportation, transmitting or distributing by pipe line crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the fore-

going, for a sum equal to 30 per cent of the assessed value of the land so occupied or used excluding any pipe line liable to assessment under section 23 or 24.

- (i) The business of a race track, for a sum equal to 30 per cent of the assessed value of the land so occupied or used.
- (j) The business of a car park, for a sum equal to 25 per cent of the assessed value of the land so occupied or used.
- (k) Any business not specially mentioned before in this section, for a sum equal to 30 per cent of the assessed value of the land so occupied or used.

**(2) Section 7 of the said Act is amended by adding thereto the following subsection:**

Profit

(1a) Notwithstanding that the activity of carrying on the business of a credit union, caisse populaire, stock exchange, commodity exchange or race track may not produce, or be intended to produce, a profit, every person occupying or using land for the purpose of or in connection with any of those business activities shall be assessed for a sum to be called "business assessment" computed in the manner set out in subsection (1) in respect of that business.

**4. Subsection 24 (17) of the said Act is repealed and the following substituted therefor:**

Review of  
rates under  
subs. (16)

(17) Where a general reassessment is made of all real property in any municipality or in territory without municipal organization comprised in a locality, the Minister shall review any rates or percentages of rates prescribed under subsection (16) and the Minister may by regulation,

- (a) prescribe rates in lieu of the rates in subsection (16) to be applied for the taxation of pipe lines; and
- (b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable.

and the rates and percentages of rates as so prescribed shall apply in the year in which taxation is first levied on the basis of the new values resulting from such reassessment and in

each year thereafter until such rates and percentages of rates are again altered in accordance with this subsection.

5. This Act comes into force on the day it receives Royal Assent, and applies in respect of every assessment for taxation in the year 1987 and subsequent years.

Commence-  
ment and  
application

6. The short title of this Act is the *Assessment Amendment Act, 1986*.

Short title



## CHAPTER 70

### An Act to continue The Canadian Insurance Exchange

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,

Definitions

“board” means the board of directors of the Corporation;

“broker” means a member of the exchange authorized by the board to place insurance on the exchange;

“by-laws” means the by-laws of the Corporation and orders made under section 14 and includes rules and directions made under the by-laws;

“Corporation” means The Canadian Insurance Exchange constituted by letters patent under the *Corporations Act* dated the 12th day of June, 1986 and continued under this Act;

R.S.O. 1980,  
c. 95

“exchange” means a centralized market facility operated by the Corporation for placing of insurance risks, including reinsurance, with syndicates, either alone, with other syndicates or other insurers, to share the risks for a price negotiated within the facility;

“insurance” means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event and includes life insurance;

“Minister” means the Minister of Financial Institutions or other such member of the Executive Council to whom the administration of this Act may be assigned;

“Ministry” means Ministry of the Minister;

“person” includes a syndicate;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act;

R.S.O. 1980, c. 218. “Superintendent” means the Superintendent of Insurance appointed under the *Insurance Act*;

“syndicate” means an underwriting member of the exchange.

Corporation continued  
R.S.O. 1980, c. 95

**2.**—(1) The Canadian Insurance Exchange incorporated by letters patent under the *Corporations Act* dated the 12th day of June, 1986 is continued as a corporation without share capital under the name “The Canadian Insurance Exchange”.

Name in other language

(2) The Corporation may have in its by-laws a provision setting out its name in any language and the Corporation may be legally designated by that name.

Head office

**3.** The head office of the Corporation and the exchange operated by the Corporation shall be located in The Municipality of Metropolitan Toronto.

Object

**4.**—(1) The object of the Corporation is to operate the exchange for the placing and underwriting of insurance by its members.

Non-profit

(2) The Corporation shall be carried on without the purpose of gain for the benefit of its members and any profits or other accretions to the Corporation shall be used in promoting its object.

Powers

**5.** The Corporation may do all things necessary or incidental to its object and, without limiting the generality of the foregoing, the Corporation may,

(a) borrow money on the credit of the Corporation;

(b) mortgage, hypothecate, pledge or otherwise create a security interest in all or any property of the Corporation, owned or subsequently acquired, to secure any obligation of the Corporation; and

(c) acquire by purchase, lease or otherwise, and hold, for any period of time, land or interest therein whether or not the land or interest is necessary for its actual use or occupation or for carrying on its undertaking and may sell, charge, lease or other-



wise deal with or dispose of land or any interest therein.

**6.—**(1) The affairs of the Corporation shall be managed by the board of directors consisting of, Board of directors

- (a) directors elected by the syndicates;
- (b) directors elected by the brokers; and
- (c) public directors appointed by the Lieutenant Governor in Council.

(2) The by-laws shall set out the number of directors to be elected under each of clauses (1) (a) and (b) and to be appointed under clause (1) (c) but the number of public directors shall be not less than 25 per cent of the total number of directors. Idem

(3) It is not necessary that all directors elected hold office for the same term. Term of office

(4) A majority of the members of the board constitutes a quorum. Quorum

(5) Notwithstanding any vacancy in the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. Vacancies

**7.—**(1) The directors, other than the public directors, shall be elected by the members at any general or special meeting of the Corporation in such manner, including by rotation or otherwise, as the by-laws provide. Election of directors

(2) The public directors shall be appointed by the Lieutenant Governor in Council for a period not exceeding three years. Appointment of directors

(3) No person employed or otherwise associated with a member of the Corporation is eligible to be a public director. Eligibility of public directors

(4) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsection (1) and shall remain in office until the members elect the directors in accordance with subsection (5). Continuation of directors

(5) The directors referred to in subsection (4) shall call a meeting of the members within six months after this Act First election

comes into force for the purpose of electing the board in accordance with this Act and the by-laws.

Chairman,  
vice-chairman

**8.** The chairman and every vice-chairman of the board shall be elected by the board from among the directors and either the chairman or one of the vice-chairmen shall be a public director.

President

**9.—(1)** The president of the Corporation shall be appointed by the board and may, but need not, be a director.

Dis-  
qualification

(2) No person employed or otherwise associated with a member of the Corporation is eligible to be president.

Duties of the  
president

(3) The president shall be the chief executive officer of the Corporation.

Removal

(4) The president may be removed from office by the board upon a vote of two-thirds of the directors.

Appointment  
of officers

**10.—(1)** Every officer of the Corporation, except the chairman and any vice-chairman of the board and the president, shall be appointed by the president with the approval of the board.

Officer not  
to  
be director

(2) No officer of the Corporation, except the chairman and any vice-chairman of the board and the president, may be a director of the Corporation.

Indemnity of  
directors  
and officers

(3) Every director and officer of the Corporation and his or her heirs, executors and administrators and estate and effects respectively shall be indemnified and saved harmless by the Corporation from and against,

- (a) all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her, by or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him or her, in or about the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof,

except such costs, charges or expenses as are occasioned by his or her own wilful neglect or default.

(4) The Corporation may purchase and maintain insurance for the benefit of a director or officer except insurance against a liability, cost, charge or expense incurred as a result of his or her failure to act honestly and in good faith with a view to the best interests of the Corporation.

Insurance

**11.**—(1) For the purposes of the object of the Corporation, the board has the power to govern and regulate,

Powers of the board

- (a) the exchange;
- (b) the members and underwriting managers including their internal arrangements;
- (c) the business conduct of members and underwriting managers and their employees and agents and other persons associated with them in the conduct of business;
- (d) the business or kind of business that members may conduct on the exchange and the terms under which any business may be conducted,

and, in the exercise of such powers and in addition to its power to pass by-laws under Part III of the *Corporations Act*, the board may pass such by-laws and make such rules and issue such orders and directions pursuant to the by-laws as it considers necessary, including the imposition of fines and other penalties for the breach of any by-law, rule, direction or order.

R.S.O. 1980,  
c. 95

(2) If the board passes a by-law that provides for the making of an order restricting or suspending the privileges of any member, underwriting manager or employee, agent or other person associated with a member or manager in the conduct of business before a hearing of the matter is held, the by-law shall provide that any restriction or suspension may be imposed only where the board considers it necessary for the protection of the public interest and that the restriction or suspension expires fifteen days after the order was made unless a hearing is held within that time to confirm or set aside the order.

By-law  
restricting  
privileges

(3) The board may pass by-laws delegating to one or more persons or committees the power of the board,

Delegation  
of power

- (a) to consider, hold hearings and make determinations regarding applications for any acceptance, approval, registration or authorization and to impose condi-

tions on any such acceptance, approval, registration or authorization;

- (b) to investigate and examine the business conduct of members and underwriting managers and their employees and agents and other persons associated with them in the conduct of business related to the exchange; and
- (c) to hold hearings, make determinations and impose discipline, including fines and other penalties, on persons referred to in clause (b) in matters related to business conduct.

subject to such restrictions, conditions and requirements as the board may set out in the by-laws.

By-laws come into force

(4) By-laws passed by the board come into force on being approved in writing by the Superintendent.

R.S.O. 1980, c. 446 does not apply

(5) By-laws are not regulations within the meaning of the *Regulations Act*.

Meeting by telephone, etc.

**12.**—(1) A meeting of the board or of any committee established by the board may be held by means of telephone, electronic or other communication facilities if,

- (a) the telephone, electronic or other communication facilities permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously; and
- (b) all of the participants in the meeting consent.

Idem

(2) Every person participating in a meeting described in subsection (1) shall be deemed to be present at the meeting.

Records

(3) The books and records of the Corporation may be kept in a bound or looseleaf book or may be entered or recorded by any system of mechanical or electronic data processing or any other information storage device.

Admissibility of records

(4) The bound or looseleaf book or, where the record is not kept in a looseleaf book, the information in the form in which it is available under subsection (3) is admissible as evidence, in the absence of evidence to the contrary, of the facts stated therein.

Application of R.S.O. 1980, c. 95

**13.** The *Corporations Act*, except sections 131, 275, 276, 312 and 313, applies to the Corporation, except,

- (a) to the extent that the provisions thereof are inconsistent with this Act;
- (b) that a public director may not be removed from office under section 67 of that Act; and
- (c) such other provision as may be prescribed.

**14.**—(1) The Lieutenant Governor in Council may by order exercise any power in the public interest that the board may exercise. Orders by  
L.G. in C.

(2) Where there is an inconsistency between any order made under subsection (1) and any by-law passed by the board, the order shall prevail. Order  
prevails

**15.**—(1) The Superintendent may direct to the Corporation, its members and underwriting managers and their employees, agents and other persons associated with them any inquiry respecting the conduct of their business. Inquiries by  
Superin-  
tendent

(2) Every person to whom an inquiry is directed under subsection (1) shall make prompt and explicit answers to the inquiry. Idem

**16.**—(1) The Superintendent and every person authorized in writing for the purpose by the Superintendent shall at all times have access to all the books, records, securities and documents, whether stored electronically or otherwise, of all persons to whom an inquiry may be directed under section 15 that relate directly or indirectly to business involving the exchange. Access to  
documents

(2) Every person in charge, possession, custody or control of books, records, securities or documents to which access is provided under subsection (1) shall ensure that access is provided. Idem

**17.**—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has contravened any of the provisions of this Act or the regulations, the Superintendent by order may appoint any person to make such investigation as the Superintendent considers expedient for the due administration and enforcement of this Act and, in the order, shall determine the scope of the investigation. Investigation

(2) For the purpose of any investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine. Scope of  
investigation

- (a) the affairs of the person in respect of whom the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with the person and any property, assets or things owned, acquired or alienated, in whole or in part, by the person or by any person acting on behalf of or as agent for the person; and
- (b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with the person and the relationship that may at any time exist or have existed between the person and any other person by reason of investments, purchases, commissions promised, secured or paid, interests held or acquired, purchase or sale of stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Powers to  
summon  
witnesses  
and require  
production

(3) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in the person's custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court and no provision of the *Evidence Act* exempts any bank or loan or trust corporation or any officer or employee thereof from the operation of this section.

R.S.O. 1980,  
c. 145

Counsel

(4) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure of  
property

(5) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated.

Inspection  
of seized  
documents

(6) Where any documents, records, securities or other property are seized under subsection (5), the documents, records, securities or other property shall be made available for inspection and copying by the person from whom seized at a



mutually convenient time and place if a request for an opportunity to inspect or copy is made by that person to the person appointed to make the investigation.

(7) Where an investigation is ordered under this section, the Superintendent may appoint an accountant or other expert to examine documents, records, property and matters of the person whose affairs are being investigated. Accountants and experts

(8) Every person appointed under subsection (1) or (7) shall provide the Superintendent with a full and complete report of the investigation including any transcript of evidence and material in his or her possession relating to the investigation. Reports of investigation

**18.**—(1) The Corporation shall, within two months after each financial year, provide to its members and the Superintendent an annual report relating to its activities in that year, including, Annual report

- (a) financial statements of the Corporation and the auditor's report thereon;
- (b) consolidated financial statements of the business conducted on the exchange in such form as is approved by the Superintendent;
- (c) any other information considered relevant by the Corporation or requested by the Superintendent.

(2) The Superintendent shall report annually to the Minister on the affairs of the Corporation. Report to Minister

**19.**—(1) Subject to section 20, no person who is not a member of the exchange shall directly or indirectly, Members

- (a) carry on business on or through the exchange; or
- (b) hold itself out as being a member of the exchange.

(2) Every person who is a member of the Corporation may carry on business on or through the exchange only in accordance with this Act, the regulations and the by-laws. Idem

**20.**—(1) Every person registered with the Corporation as an underwriting manager may act on behalf of any syndicate in transacting business on or through the exchange in accordance with this Act, the regulations and the by-laws. Managers



Idem (2) The Corporation may register underwriting managers to manage and underwrite risks on behalf of one or more syndicates.

Idem (3) No person shall directly or indirectly act or purport to act on behalf of any syndicate as an underwriting manager unless the person is registered under this section.

Syndicates require licences **21.**—(1) No syndicate shall carry on business on or through the exchange without a licence for the purpose issued by the Superintendent.

Entitlement to licence (2) Every syndicate that satisfies the Superintendent that it is approved for membership in the Corporation, has complied with the Act and the regulations, has paid the prescribed fee and has met the prescribed conditions and that provides such additional information as the Superintendent may require is entitled to be issued a licence.

Conditions (3) The Superintendent, in issuing a licence, may make the licence subject to such conditions and limitations as the Superintendent considers to be in the public interest.

Term (4) The term of every licence shall be one year or such other term as is prescribed.

Cancellation (5) Where a syndicate ceases to be a member of the Corporation, the licence of that syndicate is thereupon cancelled.

Limitation (6) No syndicate shall carry on business except on or through the exchange.

Paying cost of examination (7) When the Superintendent considers it necessary to conduct an examination of the affairs of an applicant for a licence, the applicant shall pay the costs of the examination upon receiving a statement thereof certified by the Superintendent.

Changes to licences **22.**—(1) The Superintendent may, at any time, in respect of any licence issued under section 21,

(a) reduce the term for which the licence was issued;

(b) attach any condition or limitation relating to the carrying on of syndicate business that the Superintendent considers appropriate; or

(c) amend or revoke any condition or limitation to which the licence is subject.

(2) Before effecting a change to a licence under subsection (1), the Superintendent shall give the licensee notice of an intention to make the change and shall afford the licensee an opportunity to be heard. Idem

(3) Notwithstanding subsection (2), the Superintendent may, without affording the licensee an opportunity to be heard, attach any condition or limitation on a licence that has been imposed on the licensee's membership in the Corporation. Idem

**23.**—(1) Sections 10 and 11 of the *Insurance Act* apply to applications for licences under section 21 of this Act and to changes made to a licence under section 22 of this Act as if the applicant or licensee, as the case may be, were an applicant for a licence under that Act. Application of  
of  
R.S.O. 1980,  
c. 218

(2) Part I of the *Insurance Act*, except sections 14, 16 and 19, applies to syndicates as if they were insurers licensed under that Act and the Superintendent has the same powers and duties with respect to syndicates as are granted to and imposed on the Superintendent under the said Part I. Idem  
R.S.O. 1980,  
c. 218

(3) Except as otherwise prescribed, syndicates shall be deemed to be insurers for the purpose of the *Insurance Act*. Insurers  
R.S.O. 1980,  
c. 218

(4) In performing duties under Part I of the *Insurance Act*, the Superintendent may accept or adopt any inspection, examination, statement or report prepared by the Corporation with respect to the affairs of any syndicate if the Superintendent considers it appropriate to do so. Adoption of  
reports, etc.

(5) Where the Superintendent incurs cost in conducting an inspection or examination of a syndicate under Part I of the *Insurance Act*, the cost may be charged to the Corporation and, where it is so charged, the Corporation is liable for the cost. Cost

**24.**—(1) Every syndicate shall prepare annually and deliver to the Superintendent on or before the last day of February of each year a statement as to the affairs of the syndicate in such form as the Superintendent may require. Annual  
report

(2) For the purposes of subsection (1), the Superintendent may accept a report on the affairs of a syndicate prepared by the Corporation and such report may be in a form set out by by-law. Idem

Change in  
control

(3) Except as prescribed, notice of every change of control of a syndicate shall be given by the syndicate to the Superintendent at least thirty days before the change.

Cease and  
refrain order

**25.**—(1) Where the Superintendent believes, on reasonable grounds, that any person is committing an act or pursuing a course of conduct, or is about to commit an act or pursue a course of conduct in respect of that person's business on or through the exchange that is an unsound business practice, the Superintendent may give notice of an intention to order the person to,

- (a) cease or refrain from doing the act or pursuing the course of conduct;
- (b) perform such acts as, in the opinion of the Superintendent, are necessary to remedy the situation; or
- (c) cease or refrain from doing the act or pursuing the course of conduct and to perform such acts as, in the opinion of the Superintendent, are necessary to remedy the situation.

Hearing

(2) Any person receiving notice of intention under subsection (1) may require a hearing before the Superintendent by serving the Superintendent, within fifteen days after receiving the notice, with a request for a hearing.

Idem

(3) Where a request for a hearing is served in accordance with subsection (2), the Superintendent shall hold a hearing.

Immediate  
order

(4) Where, in the opinion of the Superintendent, any delay in the issuance of an order proposed under subsection (1) would be prejudicial to the public interest to a significant extent, the Superintendent may make an order proposed to take effect immediately on its making.

Order

(5) Where a hearing is not requested under this section or where a hearing is held and the Superintendent remains of the opinion that the order proposed should be made, the Superintendent may make the order to take effect immediately on its making or at such later date as may be set out in the order.

Idem

(6) Where an immediate order is made under subsection (4) and a hearing is requested, the Superintendent shall hold the hearing as soon as reasonably possible and shall revoke the order after the hearing unless the Superintendent is satisfied that the order should remain.

(7) Subsection 11 (1) of the *Insurance Act* does not apply in respect of an order made under this section if the person to whom the order was directed did not request a hearing.

Non-application of R.S.O. 1980, c. 218

(8) Notwithstanding that an appeal is taken under this section, the decision appealed from takes effect immediately, but the Divisional Court may grant a stay until disposition of the appeal.

Stay

**26.** Where it appears to the Superintendent that any person has failed to comply with or is violating any provision of this Act, the regulations or a by-law or of an order made under this Act, the Superintendent may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights that the Superintendent may have, apply to a judge of the High Court for an order.

Court order

- (a) directing that the person comply with the provision or order or stop violating the provision or order; and
- (b) where the person is not an individual, directing the directors and officers of the person to comply with the provision or order or stop violating the provision or order.

and, upon the application, the judge may make the order requested or such other order as the judge thinks appropriate.

**27.—**(1) If the Superintendent is of the opinion that the assets of a syndicate are insufficient to justify its continuance in business or to provide proper security to persons effecting insurance with it in Ontario or that it has failed to comply with any law to the detriment or potential detriment of the public interest, the Superintendent may cancel the licence of the syndicate.

Cancellation of licence

(2) Before a licence is cancelled under subsection (1), the Superintendent shall give the syndicate notice of the intention and an opportunity to be heard.

Hearing

(3) Any decision to cancel a licence under this section may be appealed to the Divisional Court.

Appeal

(4) Notwithstanding that an appeal is taken under this section, the decision appealed from takes effect immediately, but the Divisional Court may grant a stay until disposition of the appeal.

Stay

Security  
fund:  
Corporation

**28.**—(1) The Corporation shall establish and maintain security funds to be held in trust for the benefit of policyholders and insureds of syndicates to protect the policyholders and insureds from default by any syndicate.

syndicate

(2) Every syndicate, as a condition of maintaining membership in the Corporation, shall deposit assets in an amount determined by the board by by-law to be held in trust for the purposes of the security fund.

board of  
trustees

(3) A board of trustees shall be established as prescribed to oversee the administration of the security funds.

rules

(4) The Corporation shall make rules pertaining to assessments, the methods of funding the security funds, including surcharges on premiums, the investment of the trust funds, the rights of syndicates with respect to their deposits under subsection (2) and the payment of claims of policyholders and insureds out of the security fund.

Investing  
money

**29.**—(1) Subject to subsection (2), syndicates may invest money in the same manner and subject to the same limitations as an Ontario incorporated joint-stock insurance company.

Idem

(2) No syndicate may invest in another syndicate.

Offence

**30.**—(1) Every person who,

- (a) provides false information in any application under this Act or in any statement, return or answer required to be furnished under this Act or the regulations;
- (b) fails to comply with any order or direction made under or other requirement of this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations.

is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year or to both.

Idem

(2) Where a body corporate is guilty of an offence under subsection (1), every director or officer of the body corporate who, without reasonable cause, authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to

imprisonment for a term of not more than one year or to both.

(3) No proceeding under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Superintendent as certified by the Superintendent. Limitation

**31.**—(1) The Lieutenant Governor in Council may make regulations. Regulations

- (a) requiring the payment of fees by the Corporation and members in respect of any function performed by the Superintendent under this Act and prescribing the amounts thereof;
- (b) requiring reports to be filed with the Superintendent by any person or class of persons, prescribing when reports shall be filed and the information to be included in the reports;
- (c) governing the board of trustees including the constitution of the board of trustees and qualification for membership;
- (d) exempting the Corporation, any member or class of member from any provision of this Act or the regulations or of any other Act or regulations under any other Act;
- (e) making the Corporation, any member or any class of member subject to any Act or the regulations thereunder or any provision thereof;
- (f) respecting any matter referred to as prescribed by the regulations.

(2) Any regulation may be general or particular in its application. Scope of regulations

**32.**—(1) Clause 390 (a) of the *Insurance Act*, being chapter 218 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof “except for investments in the shares of a syndicate that is a member of The Canadian Insurance Exchange”.

(2) Clause 393 (a) of the said Act is amended by inserting after “Lloyds” in the fourth line “The Canadian Insurance Exchange and its members”.

**33.** Section 141 of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Syndicates  
excluded

(4) Corporations incorporated for the sole purpose of participating in or constituting a syndicate operating on The Canadian Insurance Exchange are not insurers within the meaning of subsection (1).

Commence-  
ment

**34.** This Act comes into force on the day it receives Royal Assent.

Short title

**35.** The short title of this Act is the *Canadian Insurance Exchange Act, 1986*.



## CHAPTER 71

### An Act to amend the Assessment Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 63 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 13, 1982, chapter 56, section 4, 1983, chapter 58, section 4, 1984, chapter 49, section 1 and 1985, chapter 9, section 1, is repealed and the following substituted therefor:

(1) Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act, the assessment roll of a municipality to be returned in each year for taxation in the next following year shall be the assessment of all real property as set forth in the assessment roll returned in the immediately preceding year as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the next following year is returned, provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years after 1973 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

Roll to be  
returned in  
each year

**2.** Subsection 65 (2) of the said Act is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), where a residential assessment has been made with respect to a unit, as defined in the *Condominium Act*, a proposed unit, as defined in that Act, or a unit or suite in the building of a co-operative housing corporation, the value at which such unit, proposed unit or suite shall be assessed shall be based on the same proportion of the market value thereof as that at which owner-occupied single-family residences in the vicinity are assessed.

Condominium  
and  
co-operative  
housing  
R.S.O. 1980,  
c. 84

**3.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 9, section 2, is repealed.

**4.** Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 9, section 3, is repealed and the following substituted therefor:

Application

**69.** Subject to section 70, subsection 24 (6) is not in force and remains inoperative until a day to be named by proclamation of the Lieutenant Governor.

**5.** Subsection 70 (1) of the said Act is amended by striking out "but such a proclamation shall not extend the application of any provision therein mentioned beyond the time that the provision would otherwise cease to be in force as set out in section 68" in the twelfth, thirteenth, fourteenth and fifteenth lines.

Commence-  
ment

**6.** This Act shall be deemed to have come into force on the 1st day of December, 1986.

Short title

**7.** The short title of this Act is the *Assessment Amendment Act, 1986 (No. 2)*.

## CHAPTER 72

### An Act to amend the Legislative Assembly Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 1, are repealed and the following substituted therefor:

(1) An indemnity at the rate of \$37,576 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) An allowance for expenses at the rate of \$12,616 shall be paid to every member of the Assembly. Members' allowances.

**2.** Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 2, is repealed and the following substituted therefor:

**61.** In addition to his indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses, Leaders' allowances

(a) to the Premier, at the rate of \$7,098 per annum;

(b) to the Leader of the Opposition, at the rate of \$4,733 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,366 per annum.

**3.** Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 3, is repealed and the following substituted therefor:

Indemnity  
of Speaker,  
Leader of  
Opposition  
and leader  
of a minority  
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$20,323 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$27,532 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of \$13,824.

**4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 4, is repealed and the following substituted therefor:**

Chairman  
and Deputy  
Chairman of  
Whole House  
and  
chairmen  
of standing  
committees,  
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$8,506 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$5,908 per annum; and
- (c) to the chairman of each standing committee at the rate of \$4,607 per annum.

**5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 5, is repealed and the following substituted therefor:**

Whips,  
indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$10,516 per annum;
- (b) to the Deputy Government Whip, at the rate of \$7,207 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$5,198 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$7,207 per annum;

- (e) to each of not more than two Opposition Whips, at the rate of \$5,198 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
  - (i) to the Chief Party Whip of the party, at the rate of \$5,908 per annum, and
  - (ii) to the Party Whip of the party, at the rate of \$4,726 per annum.

**6.** Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 50, section 7 and 1985, chapter 18, section 6, is further amended by striking out the first, second, third and fourth lines in the amendment of 1985 and inserting in lieu thereof the following:

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$68 and to the chairman thereof an allowance for expenses of \$79, and,

**7.** Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 18, section 8, is repealed and the following substituted therefor:

**69.** In addition to his indemnity as a member, an indemnity shall be paid,

House  
Leaders'  
indemnities

- (a) to the Opposition House Leader, at the rate of \$10,516 per annum;
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$7,916 per annum.

**8.** This Act shall be deemed to have come into force on the 1st day of April, 1986.

Commence-  
ment

**9.** The short title of this Act is the *Legislative Assembly Amendment Act, 1986*.

Short title



## CHAPTER 73

### An Act to amend the Executive Council Act

*Assented to December 18th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsections 3 (1), (2), (3) and (4) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1985, chapter 19, section 1, are repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio is \$27,532. Salaries

(2) The Premier and President of the Council shall receive, in addition, \$11,699 per annum. Additional salary for Premier

(3) The annual salary of every minister without portfolio is \$13,825. Salary of minister without portfolio

(4) The annual salary of every Parliamentary Assistant is \$8,506. Salary of Parliamentary Assistant

**2.** This Act shall be deemed to have come into force on the 1st day of April, 1986. Commence-ment

**3.** The short title of this Act is the *Executive Council Amendment Act, 1986*. Short title





# PART II

## PRIVATE ACTS

Chapters Pr1 to Pr36



## CHAPTER Pr1

### An Act respecting the City of Hamilton

*Assented to January 20th, 1986*

Whereas The Corporation of the City of Hamilton, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) The council of the Corporation may pass by-laws,
- By-laws re  
unassumed  
lanes
- (a) prohibiting the parking or leaving of motor vehicles on a lane or alley that has not been assumed by the Corporation and erecting signs indicating the parking prohibition;
  - (b) prohibiting the dumping or storage of objects on a lane or alley that has not been assumed by the Corporation and erecting signs indicating the prohibition;
  - (c) authorizing the removal from a lane or alley that has not been assumed by the Corporation and disposal by the Corporation of any object that appears to a by-law officer to be abandoned, including building materials, machinery, trailers, boats and vehicles if signs are erected warning of the removal and disposal; and
  - (d) authorizing the removal and disposal by the Corporation of debris, leaves, weeds, trees and snow from a lane or alley that has not been assumed by the Corporation.

(2) The expenditure of public money by the Corporation on an unassumed lane or alley does not constitute assumption of the lane or alley for public use by the Corporation.

No assump-  
tion by  
Corporation

No liability  
on  
Corporation

(3) No omission of the performance of the activities authorized under subsection (1) shall directly or indirectly impose on the Corporation any duty or liability or financial obligation by reason thereof.

Repeal

**2.** *The City of Hamilton Act, 1973 (No. 2)*, being chapter 191, is repealed.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *City of Hamilton Act, 1986*.

## CHAPTER Pr2

**An Act respecting  
Children's Oncology Care of Ontario Inc.**

*Assented to January 20th, 1986*

Whereas Children's Oncology Care of Ontario Inc. hereby represents that it was incorporated by letters patent dated the 6th day of November, 1979; that it is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it has a freehold interest in lands and premises known municipally as 356-358 Dundas Street West, in the City of Toronto; that Children's Oncology Care of Ontario Inc. hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952.  
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

"Corporation" means The Corporation of the City of Toronto;

"council" means the council of the Corporation.

**2.**—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of Children's Oncology Care of Ontario Inc., being the lands and buildings known as 356-358 Dundas Street West, described in the Schedule, so long as the land is occupied and used solely for the purposes of Children's Oncology Care of Ontario Inc.

Tax  
exemptionR.S.O. 1980.  
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

Agreement  
to  
pay where  
lands sold

**3.—**(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does not come into force unless Children's Oncology Care of Ontario Inc. enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of  
agreement

(2) An agreement entered into under subsection (1) may provide that, if Children's Oncology Care of Ontario Inc. sells, leases or otherwise disposes of the exempted land and acquires other land in the City of Toronto which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of  
exemption

(3) Where an agreement has been entered into under subsection (1) and Children's Oncology Care of Ontario Inc. sells, leases or otherwise disposes of the land and acquires other land in the City of Toronto which it occupies and uses solely for its purposes, the Corporation may by by-law transfer the tax exemption under section 2 to the substituted land.

Registration  
of agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimburse-  
ment  
of other  
taxing  
authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use its share of the taxes foregone, and shall reimburse The Municipality of Metropolitan Toronto, The



Board of Education for the City of Toronto and the Metropolitan Toronto School Board for their share of the taxes foregone.

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

Repeal of  
by-law

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed  
exemption  
R.S.O. 1980,  
cc. 314, 31

5. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

6. The short title of this Act is the *Children's Oncology Care of Ontario Inc. Act, 1986*.

Short title

## SCHEDULE

That parcel of land in the City of Toronto, in The Municipality of Metropolitan Toronto, being described as part of Block V as laid out on a plan filed in the Registry Office for the Registry Division of Toronto as Number D-168, amended by Plan D-247, and now described as Part 1 on a plan of survey deposited in the said Registry Office as Number 63R-1932.



## CHAPTER Pr3

### An Act respecting the City of Mississauga

*Assented to January 20th, 1986*

Whereas The Corporation of the City of Mississauga, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this section, “broker” means a person who accepts calls in any manner for or dispatches passenger motor vehicles used for hire, other than taxicabs, and which are owned by a person other than the first-mentioned person or a member of the immediate family or the employer of the first-mentioned person.

Interpretation

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing brokers and for revoking any such licence and for requiring brokers to provide public liability, property damage, cargo or other insurance in the form and to the amount of coverage prescribed in the by-law in respect of each passenger motor vehicle operated in association with such broker, and where insurance is not so provided, the council may refuse to renew or revoke any such licence.

By-laws re  
brokers

(3) Nothing in this section affects the power of the council of the Corporation to pass by-laws under paragraph 6 of section 227 of the *Municipal Act*.

Powers not  
affected

R.S.O. 1980,  
c. 302

**2.**—(1) In this section, “retail convenience store” means a building or part of a building, booth, stall or place not exceeding 300 square metres where foodstuffs, patent medicines, magazines, tobacco and sundries are exposed or offered for sale by retail.

Interpretation

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing retail convenience stores.

By-laws re  
retail  
convenience  
stores

Store  
closings

(3) The power to license under subsection (2) includes the power to require the licensee to keep the retail convenience store closed and remain closed on each of any days of the week or any time or hour between 11 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day.

Contents  
of by-law

(4) Without restricting the generality of subsection (2) or (3), a by-law passed under this section,

- (a) may provide for different hours of closing for retail convenience stores located within different parts of the municipality; and
- (b) may require the removal of window signs and may regulate the width and height of merchandise displays obstructing windows.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** The short title of this Act is the *City of Mississauga Act, 1986*.

## CHAPTER Pr4

**An Act respecting Ottawa Little Theatre Inc.***Assented to May 26th, 1986*

Whereas Ottawa Little Theatre Inc., herein called the Corporation, hereby represents that it was incorporated as the Ottawa Drama League Inc. by letters patent dated the 23rd day of June, 1927 and by supplementary letters patent its name was changed to Ottawa Little Theatre Inc. on the 20th day of July, 1951; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation has a freehold interest in land located in the City of Ottawa and known municipally as 400 King Edward Avenue; that the Corporation has been exempt from taxation for municipal purposes but not for school purposes under section 9 of *The City of Ottawa Act, 1929*, being chapter 114; that it is desirable that provision be made exempting the real property of the Corporation from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,  
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of The Corporation of the City of Ottawa may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Corporation and known municipally as 400 King Edward Avenue in the City of Ottawa, so long as the land is owned, occupied and used solely for the purposes of the Corporation.

Tax  
exemptionR.S.O. 1980,  
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

**2.** For the purposes of subsection 121 (10) of the *Regional Municipality of Ottawa-Carleton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed  
exemption  
R.S.O. 1980,  
c. 439

**3.—(1)** Section 9 of *The City of Ottawa Act, 1929*, being chapter 114, is repealed.

Transition

1929, c. 114

(2) Notwithstanding subsection (1), the Corporation may continue to rely on the exemption granted under section 9 of *The City of Ottawa Act* as it read immediately before the coming into force of this section, until such time as the council of The Corporation of the City of Ottawa passes a by-law under subsection 1 (1) of this Act.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *Ottawa Little Theatre Inc. Act, 1986*.

## CHAPTER Pr5

**An Act respecting the  
Ontario Bible College and  
Ontario Theological Seminary**

*Assented to June 20th, 1986*

Whereas Ontario Bible College and Ontario Theological Seminary hereby applies for special legislation to amend the *Ontario Bible College and Ontario Theological Seminary Act, 1982* to acquire additional degree granting powers; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 5 of the *Ontario Bible College and Ontario Theological Seminary Act, 1982*, being chapter 79, is repealed and the following substituted therefor:**

**5.—**(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of,

Cabinet

- (a) the President of the College;
- (b) the Dean of Ontario Bible College;
- (c) the Dean of any academic unit;
- (d) the administrative assistants to the President of the College; and
- (e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties:

Powers and  
duties of  
Cabinet and  
faculty

- 1. To make recommendations to the Board to establish and terminate programs and courses of study.



2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Bachelor of Biblical Studies, Bachelor of Religious Studies, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology, Doctor of Missiology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Ontario Bible College and Ontario Theological Seminary Act, 1986*.

## CHAPTER Pr6

### An Act respecting The Brantford General Hospital

*Assented to June 20th, 1986*

Whereas The Corporation of the City of Brantford hereby represents that the John H. Stratford Hospital was incorporated by chapter 110 of the Statutes of Ontario, 1910; that the name of the hospital was changed to "The Brantford General Hospital" by chapter 9 of the Statutes of Ontario, 1912; that it is desirable to revise the hospital's Act of incorporation to alter the composition of its Board of Governors; and whereas The Corporation of the City of Brantford hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Board" means the Board of Governors of The Brantford General Hospital.

Definition

**2.**—(1) The corporation incorporated under the name of "The Brantford General Hospital" is hereby continued as a corporation without share capital and shall be composed of the persons who comprise its Board.

Corporation continued

(2) Notwithstanding anything contained in the deed of gift from John H. Stratford to the City of Brantford, dated the 10th day of February, 1885, the absolute control and management of The Brantford General Hospital and of the hospital and of the property thereof, and of the hospital staff, is hereby vested in the Board.

Power of Board

**3.** The Board shall be composed of,

Composition of Board

- (a) eight persons, one of whom may be a member of the medical staff, appointed for a three year term by the Board following receipt of a report from the nominating committee and following a public advertising process;

- (b) three persons appointed by the council of The Corporation of the City of Brantford, two of whom shall not be members of the said council, to hold office until the expiration of the term of the council that appointed them and until their successors are appointed;
- (c) one person appointed by the council of The Corporation of the County of Brant to hold office until the expiration of the term of the council that made the appointment and until a successor is appointed;
- (d) one person appointed for a term of three years by the Lieutenant Governor in Council;
- (e) the mayor of the City of Brantford *ex officio* or a member of the council of the City of Brantford designated by the mayor for a term of one year;
- (f) the warden of the County of Brant *ex officio* or a member of the council of the County of Brant designated by the warden for a term of one year;
- (g) one person appointed by the Hospital Auxilliary of The Brantford General Hospital for a term of one year;
- (h) John G. Stratford who shall be a life governor of The Brantford General Hospital and who shall have the right to nominate in writing, or by his last will and testament, his successor who shall also be a life governor, and such successor and the successors thereof in turn in perpetuity shall have the right to nominate in writing or by their respective last wills and testaments a successor who shall be also a life governor; and
- (i) such persons as are provided for under the *Public Hospitals Act*.

R.S.O. 1980,  
c. 410

#### Vacancies

**4.** Where a vacancy occurs among the members of the Board, the body which appointed the member may appoint a person to hold office for the remainder of the unexpired term of the vacating member.

#### Transition

**5.** The members of the Board holding office immediately prior to the coming into force of this Act shall continue in office for the duration of the term for which they were appointed.

**6.** The following are repealed:

Repeals

1. *An Act respecting the John H. Stratford Hospital and to confirm certain By-laws of the City of Brantford Act*, being chapter 110 of the Statutes of Ontario, 1910.
2. Section 1 of *An Act respecting the City of Brantford Act*, being chapter 90 of the Statutes of Ontario, 1912.
3. *The City of Brantford Act, 1953*, being chapter 113.
4. *The City of Brantford Act, 1971*, being chapter 106.
5. *The City of Brantford Act, 1975*, being chapter 90.

**7.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**8.** The short title of this Act is the *Brantford General Hos- Short title*  
*pital Act, 1986.*



## CHAPTER Pr7

**An Act respecting the  
Waterloo-Guelph Regional Airport**

*Assented to June 20th, 1986*

Whereas The Corporation of the City of Guelph and The Regional Municipality of Waterloo hereby apply for special legislation to change the name of the Waterloo-Wellington Airport and The Waterloo-Wellington Airport Commission to the Waterloo-Guelph Regional Airport and The Waterloo-Guelph Regional Airport Commission, respectively; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The name of the Waterloo-Wellington Airport is changed to the "Waterloo-Guelph Regional Airport".

Airport name changed

**2.** The Waterloo-Wellington Airport Commission, established under paragraph 31 of section 404 of *The Municipal Act*, being chapter 266 of the Revised Statutes of Ontario, 1937, and deemed a body corporate under subsection 2 (2) of *The Waterloo-Wellington Airport Act, 1974*, being chapter 166, is continued as a body corporate under the name of "The Waterloo-Guelph Regional Airport Commission".

Airport commission name changed

**3.** Any reference to the Waterloo-Wellington Airport or to The Waterloo-Wellington Airport Commission in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to the Waterloo-Guelph Regional Airport and The Waterloo-Guelph Regional Airport Commission, respectively.

References to former names

**4.** This Act comes into force on the day it receives Royal Assent.

Commencement

**5.** The short title of this Act is the *Waterloo-Guelph Regional Airport Act, 1986*.

Short title





## CHAPTER Pr8

**An Act respecting Renfrew Victoria Hospital***Assented to June 20th, 1986*

Whereas Renfrew Victoria Hospital, herein called the Corporation, hereby represents that it was incorporated by *The Renfrew Victoria Hospital Act, 1960-61*, being chapter 129; that it is desirable to alter the method of appointing and the number of the trustees to the Corporation; that it is also desirable to revise the Corporation's Act of incorporation to remove obsolete provisions and to bring the Act into conformity with general corporate law; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

“Board” means the board of trustees of the Corporation;

“Corporation” means Renfrew Victoria Hospital as continued under section 2.

**2.** Renfrew Victoria Hospital is continued as a corporation and shall be composed of the persons who comprise its Board.

Corporation continued

**3.**—(1) The affairs of the Corporation shall be managed by a board of trustees.

Management by Board

(2) The Board shall be composed of,

Composition of Board

- (a) one person resident in the Town of Renfrew appointed by the council of the said Town for a term of one year;
- (b) the reeves of the townships of Admaston, Bromley, Brougham, Horton, Grattan, McNab and Ross, the United Township of Bagot and Blythfield and the United Township of Griffith and Matawatchan, *ex officio*, but where the reeve is unable or unwilling

to be a member of the Board, a person resident in and appointed by the council of such municipality for a term of one year;

- (c) six persons resident in the Town of Renfrew, none of whom shall be a member of the council of or an officer or employee of The Corporation of the Town of Renfrew, appointed by the council of The Corporation of the Town of Renfrew for a term of three years;
- (d) one representative from and appointed by the Auxiliary of Renfrew Victoria Hospital for a term of one year; and

R.S.O. 1980,  
c. 410

- (e) such persons as are provided for under the *Public Hospitals Act*.

Residency  
requirement

(3) A member of the Board appointed under clause (2) (a), (b) or (c) shall cease to be eligible to serve as a member if the residency requirement held at the time of the appointment is not maintained.

Restrictions

(4) The following persons are not eligible to be appointed to the Board under clauses (2) (a), (c) and (d):

- 1. An employee of the Corporation or a member of the medical staff.
- 2. The spouse, child, parent, brother or sister of a person referred to in paragraph 1.
- 3. The spouse of a child, brother or sister of a person referred to in paragraph 1.

Term of  
office

(5) No person shall serve as a member of the Board for more than nine consecutive years but a member is again eligible for appointment after the lapse of one year.

Vacancies

(6) Where a vacancy occurs in the membership of the Board, the body who appointed the member shall appoint a person to fill the vacancy and the appointee shall hold office for the remainder of the unexpired term of the vacating member.

Transition

(7) Within six months after the day this Act comes into force, the existing board of trustees shall hold a meeting at which the persons appointed under subsection (2) shall be installed as the board of trustees of Renfrew Victoria Hospital.

(8) The council of The Corporation of the Town of Renfrew, in appointing trustees to the Board under clause (2) (c), shall make its appointments so that one-third of its appointees shall retire each year.

Staggered terms

4. The objects of the Corporation are to operate, maintain and manage a hospital and similar institutions which it may establish for the benefit of the Town of Renfrew and the townships named in clause 3 (2) (b).

Objects

5.—(1) The Corporation has the power,

Powers

(a) to operate the hospital and do all things necessary in connection therewith;

(b) to acquire real or personal property by grant, gift, purchase, lease or devise; and

(c) subject to the *Expropriations Act*, acquire real property by expropriation.

R.S.O. 1980, c. 148

(2) Subject to the *Public Hospitals Act*, the Corporation may sell or dispose of any real or personal property no longer required for its purposes but the proceeds therefrom shall be held and applied for the purposes of the Corporation.

Sale or disposal of property  
R.S.O. 1980, c. 410

6. The Board may, subject to the *Public Hospitals Act*,

Borrowing

(a) borrow money on the credit of the Corporation;

(b) issue, sell or pledge debt obligations; or

(c) charge, mortgage or pledge real or personal property to secure debt obligations or any money borrowed, or other debt or liability.

7. Subject to the limitations imposed by any specific trust, the Corporation may invest in such securities as are authorized by law for investments by trustees under the *Trustee Act*.

Investments  
R.S.O. 1980, c. 512

8.—(1) The Board may elect from its members an executive committee or other committee and delegate to such committee any of its powers.

Committees

(2) The executive committee may fix its quorum at not less than a majority of its members.

Quorum of executive committee

9. By-laws shall not be effective until confirmed by at least a two-thirds vote of the members present at a general meeting of the Board called for that purpose.

By-laws

Appointment  
of employees

**10.** The Board may appoint an executive director and other officers and employees of the Corporation and may fix the salaries, wages and fees of all such persons appointed.

Repeal

**11.** *The Renfrew Victoria Hospital Act, 1960-61*, being chapter 129, is repealed.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** The short title of this Act is the *Renfrew Victoria Hospital Act, 1986*.

## CHAPTER Pr9

# **An Act respecting The Ontario Association of Speech-Language Pathologists and Audiologists**

*Assented to July 7th, 1986*

Whereas Tani Nixon, Davidah Wolf and Patricia Abramowicz hereby represent that The Ontario Speech and Hearing Association, herein called the Association, was incorporated by *The Ontario Speech and Hearing Association Act, 1965*, being chapter 161; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, dissolved the Association on that date for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66; that the applicants are members of the Executive Council of the on-going organization carried on in the name of the Association; that notice of the default was apparently sent to the Association at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Association until more than two years after the date thereof; that the Association at the time of its dissolution was carrying on its purposes of increasing the knowledge, skill and proficiency of its members in the field of speech-language pathology and audiology and of maintaining a high standard of ethical practice and research for its members and since that time those objects have continued to be carried on in the name of the Association; that the applicants wish to revive the Association, to change its name to The Ontario Association of Speech-Language Pathologists and Audiologists and amend its Act of incorporation to delete unnecessary definitions and to replace the term "speech pathologist" with the term "speech-language pathologist"; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporation  
revived

**1.** The Ontario Speech and Hearing Association is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by Act of the Legislature of Ontario, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Change of  
name of  
Association

**2.** The name of the Association is hereby changed from "The Ontario Speech and Hearing Association" to "The Ontario Association of Speech-Language Pathologists and Audiologists".

**3.** Clauses 1 (a) and (d) of *The Ontario Speech and Hearing Association Act, 1965*, being chapter 161, are repealed.

**4.** The said Act is amended by striking out "speech pathology" wherever it occurs and inserting in lieu thereof "speech-language pathology".

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** The short title of this Act is the *Ontario Association of Speech-Language Pathologists and Audiologists Act, 1986*.

## CHAPTER Pr10

### **An Act respecting The Public Utilities Commission of the City of Scarborough**

*Assented to July 7th, 1986*

Whereas The Public Utilities Commission of the City of Scarborough, herein called the Commission, hereby applies for special legislation to enable it to pay the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, as set out in section 2, for retired employees, their spouses and children; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### **1. In this Act,**

Definitions

“child” means a person under the age of eighteen years born within or outside of marriage but does not include a person who has withdrawn from parental control;

“retired employee” means a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*;

R.S.O. 1980,  
c. 302

“spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration and designated by the employee at the time of his or her retirement.

**2.** The Commission may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

Health  
insurance  
benefits

- (a) semi-private hospital coverage;
- (b) prescription drug coverage; and
- (c) dental service coverage,

for retired employees and their spouses and children.



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Scarborough Public Utilities Commission Act, 1986*.

## CHAPTER Pr11

**An Act respecting the St. Elizabeth Home Society***Assented to July 7th, 1986*

Whereas the St. Elizabeth Home Society, herein called the Society, hereby represents that it is incorporated under the laws of Ontario; that the Society is a registered charitable institution within the meaning of the *Income Tax Act* (Canada); that the Society has a freehold interest in real property in the City of Hamilton upon which the Society has constructed and is further developing a planned retirement community known as St. Elizabeth Village; that each residence is to be separately leased to the occupant for a period not exceeding twenty-one years less a day; that each tenant will be responsible for monthly upkeep expenses on his or her residence including municipal and school taxes; that the Society hereby applies for special legislation to have the aforesaid property assessed for the purpose of the *Assessment Act* on the basis of the same proportion of the market value thereof as that at which owner-occupied, single-family residences in the vicinity are assessed and to authorize certain refunds of municipal and school taxes paid since the 1st day of January, 1986; and whereas it is expedient to grant the application and thereby to treat the tenant of each residence for the purpose of municipal and school taxation in the same manner as the owner of a residence;

Preamble

R.S.C. 1952.  
c. 148R.S.O. 1980.  
c. 31

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** So long as the St. Elizabeth Home Society's ownership of the real property described in the Schedule hereto is continued and the lands are used and occupied as the St. Elizabeth Village, and so long as the residences are leased to the individual occupants for a period not exceeding twenty-one years less a day, the value at which the said real property shall be assessed for the purposes of section 63 and subsection 65 (1) of the *Assessment Act* shall be based on the same proportion of the market value thereof as that at which owner-occupied, single-family residences in the vicinity are assessed.

Basis of  
assessmentR.S.O. 1980.  
c. 31

Reimburse-  
ment of  
taxes

**2.**—(1) The Board of Education for the City of Hamilton and, where applicable, The Hamilton-Wentworth Roman Catholic Separate School Board may, by resolution, reimburse the Society for school taxes, or any portion thereof, paid in respect of the real property described in the Schedule for the period commencing on the 1st day of January, 1986, and ending on the day this Act comes into force.

Idem

(2) The Corporation of the City of Hamilton and The Regional Municipality of Hamilton-Wentworth may, by resolution, reimburse the Society for taxes, or any portion thereof, paid in respect of the real property described in the Schedule for the period commencing on the 1st day of January, 1986, and ending on the day this Act comes into force.

Limitation

(3) A reimbursement made under subsection (1) or (2) shall not exceed the difference between the taxes actually paid and the amount that would have been payable had section 1 of this Act been in force on the 1st day of January, 1986.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *St. Elizabeth Home Society Act, 1986*.

## SCHEDULE

Those parcels of land and premises, in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth described as follows:

Firstly: Part of lots 3, 4 and 5, Concession 1, formerly in the Township of Glanford, now in the said City of Hamilton.

Secondly: Part of lots 17 and 18, Concession 8, formerly in the Township of Barton, now in the said City of Hamilton.

## CHAPTER Pr12

**An Act respecting the  
Empire Life Insurance Company**

*Assented to July 7th, 1986*

Preamble

Whereas the Empire Life Insurance Company, herein called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 11th day of January, 1923; that the said letters patent were amended by supplementary letters patent dated the 1st day of October, 1929, the 27th day of June, 1935, the 12th day of February, 1951, the 1st day of August, 1963, the 8th day of June, 1965 and the 30th day of May, 1966; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Application  
to  
Minister of  
Consumer  
and  
Corporate  
Affairs  
authorized  
R.S.O. 1980,  
c. 95

**2.** Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of the letters patent together with a copy of the letters patent certified by the Department of Consumer and Corporate Affairs and, on the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company.

Application  
of  
R.S.O. 1980,  
c. 95

Minister's  
certificate

**3.** The Minister of Consumer and Commercial Relations may, on receipt of the notice and certified copy of the letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *Empire Life Insurance Company Act, 1986*.

## CHAPTER Pr13

**An Act respecting Pamaglenn Investments Limited***Assented to July 7th, 1986*

Whereas Pamaglenn Investments Limited hereby represents that it was amalgamated with 620394 Ontario Limited, a wholly owned subsidiary, by certificate of amalgamation dated the 15th day of May, 1985 and continued under the name of Pamaglenn Investments Limited; that the resolution to amalgamate was adopted by the board of directors of Pamaglenn Investments Limited and 620394 Ontario Limited on the 2nd day of May, 1985 but that the articles of amalgamation were not filed until the 15th day of May, 1985, through inadvertence; and whereas Pamaglenn Investments Limited considers it desirable that it be deemed to have been amalgamated on a date more closely following the date of the resolution of the directors; and whereas Pamaglenn Investments Limited hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subject to any rights acquired by any person before the 15th day of May, 1985, Pamaglenn Investments Limited and 620394 Ontario Limited shall be deemed to have been amalgamated under the *Business Corporations Act, 1982* on the 3rd day of May, 1985.

Date of  
amalgamation

1982, c. 4

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Pamaglenn Investments Limited Act, 1986*.

Short title





## CHAPTER Pr14

**An Act respecting Sherrydale Investments Limited***Assented to July 7th, 1986*

Whereas Sherrydale Investments Limited hereby represents that it was amalgamated with 620396 Ontario Limited, a wholly owned subsidiary, by certificate of amalgamation dated the 15th day of May, 1985 and continued under the name of Sherrydale Investments Limited; that the resolution to amalgamate was adopted by the board of directors of Sherrydale Investments Limited and 620396 Ontario Limited on the 2nd day of May, 1985 but that the articles of amalgamation were not filed until the 15th day of May, 1985, through inadvertence; and whereas Sherrydale Investments Limited considers it desirable that it be deemed to have been amalgamated on a date more closely following the date of the resolution of the directors; and whereas Sherrydale Investments Limited hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to any rights acquired by any person before the 15th day of May, 1985, Sherrydale Investments Limited and 620396 Ontario Limited shall be deemed to have been amalgamated under the *Business Corporations Act, 1982* on the 3rd day of May, 1985. Date of  
amalgamation  
  
1982, c. 4
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is the *Sherrydale Investments Limited Act, 1986*. Short title



## CHAPTER Pr15

**An Act to revive Alliance Française de Toronto***Assented to July 7th, 1986*

Whereas William Carvel Graham, Leopold Lacroix, Jean-Gabriel Castel, Charles Arsenault and Christian Genin hereby represent that Alliance Française de Toronto, herein called the Corporation, was incorporated by letters patent dated the 22nd day of April, 1927; that the Provincial Secretary by Order dated the 13th day of February, 1956 and made under the authority of subsection 325 (2) of *The Corporations Act, 1953*, being chapter 19, cancelled the letters patent of the Corporation for default in filing annual returns in compliance with subsection 3 (1) of *The Corporations Information Act, 1953*, being chapter 21, and declared the Corporation to be dissolved on the 19th day of March, 1956; that the applicants are members and officers of the ongoing organization; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution until more than two years after the date thereof; that the Corporation at the time of dissolution was pursuing its objective of propagating the knowledge and use of the French language and since that time that function has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Alliance Française de Toronto is hereby revived and is, subject to all rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation  
revived

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Alliance Française de Toronto Act, 1986*.

Short title



## CHAPTER Pr16

**An Act respecting the City of Cornwall***Assented to July 7th, 1986*

Whereas The Corporation of the City of Cornwall, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of the Corporation shall consist of a mayor and ten members who shall be elected by general vote of the electors of the City.

Composition of council

(2) Upon application of the Corporation, authorized by by-law of the council thereof, or upon the petition of electors under section 13 of the *Municipal Act*, the Ontario Municipal Board may, by order,

Alteration of wards, etc., by O.M.B.  
R.S.O. 1980, c. 302

- (a) divide or redivide the City of Cornwall into wards and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the City and shall declare the date when such alteration or dissolution shall take effect; or
- (c) vary the composition of the council,

but the mayor of the City shall continue to be elected by a general vote of the electors.

**2.** The council of the Corporation may pass by-laws for prohibiting or regulating the parking of vehicles, or any class thereof, on highways, or any part thereof, within residential zones if the gross vehicle weight, as set out on the permit for the vehicle issued under the *Highway Traffic Act*, is 3,000 kilograms or more.

By-laws respecting parking of heavy vehicles  
R.S.O. 1980, c. 198

By-laws  
respecting  
fees for  
information

**3.**—(1) The council of the Corporation may pass by-laws requiring the payment of fees for documentary, written or printed information relating to any land, building or structure in the City of Cornwall furnished at the request of any person by such official of the Corporation as is named in the by-law and prescribing the amounts thereof, which amounts shall not exceed the reasonable cost of furnishing the information.

Right to  
inspect

(2) A by-law passed under subsection (1) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

R.S.O. 1980,  
c. 302

Commence-  
ment

**4.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Transition

(2) Section 1 comes into force on the 1st day of December, 1988 and has effect for the purpose of the regular election to be held in that year.

Short title

**5.** The short title of this Act is the *City of Cornwall Act, 1986*.

## CHAPTER Pr17

**An Act to revive Mylake Mines Limited***Assented to July 7th, 1986*

Whereas Hispyke Explorations Inc. hereby represents that Mylake Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 11th day of February, 1937; that the Minister of Consumer and Commercial Relations by order dated the 7th day of November, 1978 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with *The Corporations Tax Act*, 1972, being chapter 143, and declared the Corporation to be dissolved on the 7th day of November, 1978; that the applicant is the beneficial owner of 1,000,000 common shares of the Corporation which constituted approximately 42 per cent of the shares in the Corporation at the time of its dissolution; that at the time of default of the Corporation no funds were available to finance the continued operation of the Corporation and that as a result of death and incapacity there remained no management to pursue any further financing of the Corporation; that, at the time of its dissolution, the Corporation owned a mining property and the applicant intends to seek financing for the Corporation to explore and develop the said mining property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Mylake Mines Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival



Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Mylake Mines Limited Act, 1986*.

## CHAPTER Pr18

**An Act respecting the City of Chatham***Assented to July 7th, 1986*

Whereas The Corporation of the City of Chatham hereby  
 applies for special legislation in respect of the matters herein-  
 after set forth; and whereas it is expedient to grant the appli-  
 cation;

Preamble

Therefore, Her Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** Notwithstanding the *Municipal Franchises Act*, the  
 council of The Corporation of the City of Chatham may pass  
 by-laws under paragraph 97 of section 210 of the *Municipal*  
*Act* without the assent of the municipal electors.

Assent of  
 municipal  
 electors not  
 required  
 R.S.O. 1980,  
 cc. 309, 302

**2.** This Act comes into force on the day it receives Royal  
 Assent.

Commence-  
 ment

**3.** The short title of this Act is the *City of Chatham Act*,  
 1986.

Short title



## CHAPTER Pr19

**An Act respecting the  
Young Men's Christian Association of Cambridge**

*Assented to July 7th, 1986*

Whereas the Young Men's Christian Association of Galt, herein called the Association, hereby represents that it was incorporated in 1913 by a special Act of the Legislature of Ontario; that the object of the Association is to improve the spiritual, moral, social, educational and physical life of its members and others; that the Association is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that, since the amalgamation of The Corporation of the City of Galt into The Corporation of the City of Cambridge under *The Regional Municipality of Waterloo Act, 1972*, the Association has been known as the Young Men's Christian Association of Cambridge, that the Association's Act of incorporation limits the dollar value of property that may be held by the Association to \$150,000; that the Association's Act of incorporation exempts the Association from taxes for municipal purposes but not from taxes for school purposes; that it is desirable that the Association's Act of incorporation be revised so as to change the name of the Association to the name by which it is now known, to delete the restriction on the dollar value of property that may be held by the Association, to authorize council of The Corporation of the City of Cambridge to exempt the Association by by-law from taxation for both municipal and school purposes and to remove obsolete provisions from the Association's Act of incorporation and to bring that Act into conformity with general corporate law; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,  
c. 148

1972, c. 105

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The body corporate and politic known as the "Young Men's Christian Association of Galt" is hereby continued as a corporation without share capital under the name "Young Men's Christian Association of Cambridge".

Association  
continued,  
name  
changed

- Membership      **2.** The Association shall be composed of its members from time to time.
- Object            **3.** The object of the Association is to improve the spiritual, moral, social, educational and physical life of its members and others.
- Board of directors      **4.** The affairs of the Association shall be managed by a board of directors consisting of twenty-one directors elected at an annual meeting from among the members of the Association.
- By-laws, etc.        **5.** The board of directors of the Association may pass by-laws, rules or regulations as to meetings, officers, qualifications for membership, membership fees, management of the affairs of the Association and the carrying out of the objects thereof, and may from time to time delegate the powers as to management of any of the affairs of the Association and as to the carrying out of any of the objects to any committee or committees composed of members of the Association.
- Non-profit corporation      **6.**—(1) The Association shall be carried on without the purpose of gain for its members and all profits or other accretions to the Association shall be used in promoting its objects.
- Dissolution        (2) Upon the dissolution of the Association and after the payment of all debts and liabilities, its remaining property shall be distributed or disposed of to charitable organizations in Canada having objects as similar as possible to those of the Association.
- Tax exemption        **7.**—(1) The council of The Corporation of the City of Cambridge may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Association, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Association.
- R.S.O. 1980, c. 31
- Conditions        (2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.
- Deemed exemption      (3) For the purposes of subsection 118 (10) of the *Regional Municipality of Waterloo Act*, the exemption from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.
- R.S.O. 1980, c. 442, 31
- Repeal            **8.**—(1) *An Act to Incorporate the Young Men's Christian Association of Galt*, being chapter 141 of the Statutes of Ontario, 1913, is repealed.

(2) Notwithstanding subsection (1), the Corporation may continue to rely on the exemption granted under subsection 7 (2) of *An Act to Incorporate the Young Men's Christian Association of Galt*, as it read immediately before the coming into force of this section, until such time as the council of The Corporation of the City of Cambridge passes a by-law under subsection 7 (1) of this Act. Transition

**9.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**10.** The short title of this Act is the *Young Men's Christian Association of Cambridge Act, 1986*. Short title

SCHEDULE

That parcel of land and premises situate in the City of Cambridge (formerly the City of Galt), in The Regional Municipality of Waterloo, and being composed of part of Lot 10, Plan 456, designated as Part 1 on a Plan deposited in the Land Registry Office for the Registry Division of Waterloo South (No. 67) as Number 67R-621.





## CHAPTER Pr20

## An Act respecting the City of Toronto

*Assented to July 7th, 1986*

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act, “retired employee” means a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

Definition

R.S.O. 1980,  
c. 302

(2) The council of the Corporation may pass by-laws,

Payment for  
health  
services

- (a) subject to the *Health Insurance Act*, for providing by contract with an association registered under the *Prepaid Hospital and Medical Services Act*, hospital, medical, surgical, nursing or dental services or payment thereof for retired employees or any class thereof and their spouses and children and for paying the whole or part of the cost thereof; and
- (b) for paying the whole or part of the cost to retired employees or any class thereof and their spouses and children of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act*.

R.S.O. 1980,  
cc. 197, 388

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *City of Toronto Act*, 1986.

Short title



## CHAPTER Pr21

### An Act respecting the Township of Mara

*Assented to November 4th, 1986*

Whereas The Corporation of the Township of Mara considers it desirable that it be given power to acquire real property, including easements in or over real property, that is being used, or intended to be used, for private parks, foot-bridges, foot-paths and waterways; that it is also desirable that the Corporation be given the power to establish a local board to manage, maintain, regulate and control the property so acquired; and whereas the Corporation desires to apportion the cost of the maintenance and regulation among the properties obtaining a benefit therefrom; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,

Definitions

“Commission” means the “Lagoon City Parks and Waterways Commission” established under subsection 3 (1);

“Corporation” means The Corporation of the Township of Mara;

“council” means the council of the Corporation;

“private park” means an area of land or beach for the recreational use of those persons referred to in subsection 2 (2);

“shorewall” means a building improvement on a lot or block on a registered plan of subdivision or registered reference plan abutting a waterway and constructed to replace the natural shore at the rear or side of the lot or block;

“waterway” means a lagoon, water channel, canal or passage-way for boats including the shore and bed thereof and including any bank of land lying between the shore and the

abutting boundary of any lot or block shown on a registered plan of subdivision or registered reference plan.

By-laws  
respecting  
acquisition  
of lands

**2.**—(1) The council may by by-law authorize the Corporation to,

- (a) accept conveyances of land and easements in or over land, on a registered plan of subdivision or registered reference plan used or intended to be used for or in connection with a network of waterways and may include private parks, foot-bridges, foot-paths or any of them;
- (b) enter into agreements respecting any conveyance of land or easement under clause (a) and the maintenance thereof;
- (c) manage, maintain, regulate and control any land or easement conveyed under clause (a); and
- (d) provide that the owner of land abutting a waterway owned by the Corporation has the exclusive right to moor boats to the shorewall appurtenant to the owner's land without charge.

Restriction  
on use

(2) The use of the land conveyed to the Corporation under clause (1) (a) is restricted to those persons contributing to the maintenance thereof under subsection 8 (1) and their tenants, guests or invitees.

Commission  
established  
to manage  
lands

**3.**—(1) If land or easements are conveyed to the Corporation under clause 2 (1) (a), the council may by by-law establish a body corporate to be known as the "Lagoon City Parks and Waterways Commission" to manage, maintain, regulate and control lands and easements conveyed.

Local board  
R.S.O. 1980,  
c. 303

(2) The Commission is a local board within the meaning of the *Municipal Affairs Act*.

Remuneration  
and expenses

(3) Any amount paid by the Corporation in respect of the remuneration or expenses of members of the Commission is an expense of the Commission.

Composition  
of  
Commission

**4.**—(1) The Commission shall consist of,

- (a) two members appointed from and by council for a term of one year or until their successors are appointed; and

- (b) three members appointed by council who shall be owners or tenants in a registered subdivision in which land has been conveyed under this Act to the Corporation for a term of three years or until their successors are appointed.

(2) On the initial appointment of members under clause (1) (b), one member shall be appointed for one year, one member for two years and one member for three years.

Initial appointments

(3) All members of the Commission are eligible for re-appointment.

Re-appointment

(4) A member appointed under clause (1) (b) may, in the sole discretion of council, be removed by council at any time.

Removal by council

(5) A replacement for a member removed by council shall be an owner or tenant as described in clause (1) (b).

Replacement to be owner or tenant

(6) A vacancy arising in the membership of the Commission shall be filled by council and any person so appointed shall hold office for the unexpired portion of the term of office.

Vacancies

(7) The Commission may exercise its powers if there are at least four members appointed to the Commission.

Exercise of powers

(8) A concurrent vote of at least three members is necessary to pass any resolution or by-law.

Voting requirement

(9) The Commission shall at its first meeting in each year elect a chairman and if the chairman is absent from a meeting, the Commission may elect another member to preside at the meeting.

Chairman

(10) The meetings of the Commission shall be held at least two times each year and shall be open to the public.

Meetings

(11) The chairman or any two members of the Commission may call a special meeting of the Commission upon giving seven days notice in writing to each member setting out the purpose of the meeting or upon obtaining a waiver from all members of the notice requirement.

Special meetings

**5.**—(1) The Corporation may delegate to the Commission any or all of its powers under clause 2 (1) (c) upon such terms and conditions as may be set out in the by-law.

Delegation to Commission

(2) The Corporation shall, at the expense of the Commission, provide insurance,

Council to provide insurance

- (a) for all buildings, structures and equipment owned by or under the care of the Commission; and
- (b) in respect of any public liability that may result from the activities of the Commission or the ownership of the lands or easements conveyed to the Corporation under this Act.

Annual estimates

**6.—**(1) The Commission shall submit to the council its estimates for the current year at the time and in the form prescribed by council.

Annual report

(2) On or before the 1st day of March in each year, the Commission shall submit to council its annual report for the preceding year including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

Auditor

(3) The Corporation's auditor shall be the auditor of the Commission and all books, documents, transactions, minutes and accounts of the Commission shall, at all times, be open to the auditor's inspection.

Records open to public

(4) The records, books and transactions under the control of the Commission shall, at all reasonable times, be open to inspection by any person.

Reserve fund  
R.S.O., 1980,  
c. 302

(5) Subject to subsection 165 (2) of the *Municipal Act*, the Commission may establish a reserve fund to meet the cost from time to time of dredging the bed of a waterway or for such other purposes as the council may approve.

Estimates to be budget

(6) The estimates as approved by council shall constitute the budget of the Commission and no expenditure other than those set out in the approved estimates shall be made without the prior approval of council.

Borrowing restrictions

(7) The Commission may borrow money solely from the Corporation with the approval of council on such terms as to interest and repayment as may be determined by council.

Initial appointment of secretary-treasurer

(8) Council may by by-law appoint a person to serve as the initial secretary-treasurer of the Commission for a term not exceeding the balance of the year in which the Commission is formed and two years thereafter.

Head office

(9) The head office of the Commission shall be located in the municipal offices for the Township of Mara for a minimum of the balance of the year in which the Commission is formed and two years thereafter and the cost of such facility,

as determined by by-law of council, is an expense of the Commission.

7.—(1) The council may by by-law require every owner of land abutting a waterway conveyed to the Corporation under this Act to construct and maintain a shorewall, at the owner's expense, to the specifications and within the time limits set out in the by-law.

By-law  
respecting  
shorewalls

(2) A by-law passed under subsection (1) does not apply to undeveloped land or to an undeveloped lot or block so long as it is registered in the name of the applicant for first registration of the registered plan of subdivision until a building permit in respect of the undeveloped land or undeveloped lot or block has been issued by the Corporation.

Limitation

(3) Where an owner fails to construct or maintain a shorewall in accordance with a by-law passed under subsection (1), the Commission may construct or repair the shorewall, at the owner's expense, if,

Commission  
may  
construct  
or repair  
shorewalls

(a) the Commission gives at least thirty days notice to the owner, by registered mail at the address shown on the assessment rolls, outlining the nature of the work proposed and an estimate of the cost; and

(b) the Commission,

(i) gives the owner the opportunity to make oral or written representation to the Commission as to the necessity of repair or cost of construction or repair of the proposed work if such request is made within fifteen days of the mailing of the notice, and

(ii) considers any objection under subclause (i), confirms or varies the proposed work and advises the owner of its decision.

(4) An owner may appeal a decision of the Commission to the court of revision established under section 43 of the *Local Improvement Act* by giving written notice to the Commission and to the clerk of the Corporation within fifteen days of receiving notification of the decision of the Commission.

Appeal to  
court of  
revision  
R.S.O. 1980,  
c. 250

(5) Where an appeal has been commenced under subsection (4), no work referred to in the appeal shall be undertaken by the Commission until the court of revision has made a decision or, where an appeal has been further made to the

When appeal  
pending



Ontario Municipal Board, the Ontario Municipal Board has made a decision.

Powers of  
court of  
revision

(6) The court of revision has jurisdiction and power to review the necessity of repair or the cost of construction or repair of the work proposed under subsection (3) and may order that,

- (a) additional estimates of the cost be obtained;
- (b) an inspection and report be furnished by an independent, qualified engineer;
- (c) the cost of any work, including interest, be paid in equal annual instalments not exceeding three in number; and
- (d) the cost of the appeal be allocated between the parties.

Appeal to  
O.M.B.

(7) The Commission or the owner may appeal to the Ontario Municipal Board from any decision of the court of revision.

Powers of  
O.M.B.

(8) The Ontario Municipal Board has the like jurisdiction and powers as are conferred on a court of revision under subsection (6) and the decision of the Ontario Municipal Board is final.

Entry upon  
private  
property

(9) An agent or employee of the Commission may enter upon private property for the purpose of,

- (a) inspecting the construction or state of repair of a shorewall to ensure that it complies with the specifications set out in the by-law; or
- (b) constructing or repairing a shorewall in accordance with this section.

Limitations  
on entry,  
liability

(10) An entry upon private property shall be limited to the duration and extent necessary to perform an inspection, repair or construction of a shorewall, as the case may be, and the Commission shall not be liable for any action for trespass or damages unless negligence can be shown.

Recovery of  
expenses

(11) Expenses incurred by the Commission under subsection (3) shall be deemed to be taxes and may be levied and collected by the Corporation on behalf of the Commission in like manner and with the same priorities as municipal taxes.

8.—(1) The expenses of the Commission as set out in the estimates approved by council, including any deficit but excluding the repair and construction of shorewalls, shall be apportioned according to a formula determined by by-law of the council and levied by the Corporation upon property that has as a benefit to the owner thereof a registered right to use the waterways and private parks conveyed to the Corporation under clause 2 (1) (a) in common with other owners of property in the subdivision.

Apportionment of expenses of Commission

(2) A by-law or an amendment to a by-law passed by council under subsection (1) does not come into force until approved by the Ontario Municipal Board.

Approval of O.M.B. required

(3) Notwithstanding subsection (1), the following criteria apply to the formula determined by council:

Criteria for formula

1. Each residential unit, regardless of size, value or type of ownership shall be apportioned at the same amount.
2. Vacant lots or blocks of land zoned for single family residential use or having a zoning designation not included in this subsection or in a by-law passed under subsection (1) shall be apportioned at the single residential rate.
3. Vacant lots or blocks of land located within a registered plan of subdivision and subject to a zoning by-law prohibiting the development thereof shall be apportioned at a rate equal to one-half of the single residential unit apportionment.
4. Vacant parcels of land composed of one or more lots or blocks and zoned for multi-residential use shall be apportioned at a rate of two times the single residential rate or at a rate of one-tenth of the number of residential units permitted under the zoning by-law, whichever is greater, until the first year after the year in which a building permit has been issued in respect of the parcel, whereupon the formula established by council shall apply thereto.
5. Vacant parcels of land composed of one or more lots or blocks and zoned for commercial or industrial use shall be apportioned at a rate of two times the single residential unit apportionment until the first year after the year in which a building permit has been issued in respect of such commercial or

industrial lands whereupon the formula established by by-law of council shall apply thereto.

Limitation

(4) A by-law passed under subsection (1) and the criteria established under subsection (3) do not apply to undeveloped land or to an undeveloped lot or block on a registered plan of subdivision which,

- (a) continues to be registered in the name of the applicant for first registration of the registered plan of subdivision; and
- (b) abuts a waterway which remains in an undeveloped or unopen state or has not been conveyed to the Corporation under this Act,

until the first year after the year in which a building permit in respect of the undeveloped land or undeveloped lot or block has been issued by the Corporation.

Recovery of  
amount  
levied

(5) The amount levied by the Corporation under subsection (1) shall be deemed to be taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal taxes.

Appeal to  
court of  
revision

(6) An owner of land may appeal the apportionment of expenses of the Commission as determined under subsection (1) to the court of revision established by council by giving written notice to the Commission and to the clerk of the Corporation within fifteen days of receiving from the Corporation notice of the amount levied against such owner's land.

Power of  
court of  
revision

(7) The court of revision has jurisdiction and power to review the proposed apportionment of expenses and may correct,

- (a) the names of the owners of the lands;
- (b) the number of apportionable units located on the lands; and
- (c) the number of single residential unit apportionments to be levied thereon.

Idem

(8) Where it appears to the court of revision that any parcel of land or lot or block that has not been made subject to the rate fixed under this section should be made subject to the rate, section 50 of the *Local Improvement Act* applies with necessary modifications.

(9) The Commission or the owner may appeal to the Ontario Municipal Board from any decision of the court of revision.

Appeal to  
O.M.B.

(10) The Ontario Municipal Board has the like jurisdiction and powers as are conferred on a court of revision under subsection (7) and the decision of the Ontario Municipal Board is final.

Power of  
O.M.B.

**9.** Where council has enacted a by-law under paragraph 33 of section 208 of the *Municipal Act*, it may delegate to the Commission the authority to cut or remove weeds in the waters of Lake Simcoe adjacent to the private parks and may charge part or all of the costs related thereto to the Commission.

Delegation  
to  
Commission  
R.S.O. 1980,  
c. 302

**10.** If no by-law is passed establishing a Commission under subsection 3 (1) or if the Commission is dissolved, all the powers and duties conferred on the Commission under this Act shall be exercised by the council.

If no  
Commission  
established

**11.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**12.** The short title of this Act is the *Township of Mara Act, 1986*.

Short title



## CHAPTER Pr22

### **An Act to revive Cedarhurst Golf Club**

*Assented to November 4th, 1986*

Whereas Charlotte Empringham, Donald McCaskell and Dr. Harold Ames hereby represent that Cedarhurst Golf Club, hereinafter called the Corporation, was incorporated by letters patent dated the 12th day of August, 1970; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants were directors of the Corporation at the time of its dissolution and are directors of the ongoing organization carried on in its name; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to carry on and conduct a golf, country, sporting and social club for its members; that the Corporation at the time of its dissolution was performing that function and since that time that function has been continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Cedarhurst Golf Club is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation  
revived

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Cedarhurst Golf Club Act, 1986*.



## CHAPTER Pr23

**An Act respecting the  
University of St. Jerome's College**

*Assented to November 4th, 1986*

Whereas The University of St. Jerome's College represents that it was incorporated by *An Act to incorporate the College of Saint Jerome in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866; that it received its present name and present powers by *The University of St. Jerome's College Act, 1959*, being chapter 139; and whereas the applicant hereby applies for special legislation varying its organization, government and administration; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Definitions

"Board" means the Board of Governors of the University;

"graduate" means a person who has obtained a degree from or through the University;

"non-teaching staff" means the persons employed by the University who are not teaching staff;

"student" means a person who is registered as a student through the University;

"teaching staff" means the persons employed by the University to teach, give instruction or engage in research and includes professors, associate professors, assistant professors, lecturers, associates, instructors and demonstrators;

"University" means The University of St. Jerome's College.

**2.** The University is continued as a corporation without share capital and, subject to this Act, has all the rights and

University continued

obligations that it possessed before the coming into force of this Act.

Objects of  
University

**3.** The objects of the University are,

- (a) to advance learning and disseminate knowledge in a manner consistent with Roman Catholic tradition and the honest pursuit of wisdom and understanding; and
- (b) to encourage the intellectual, spiritual, social, moral and personal development of the members of the University community and the betterment of society consistent with the ideals of the contemporary Roman Catholic Church.

Powers of  
University

**4.—(1)** The University has all the powers necessary to do such things as are incidental or conducive to the attainment of its objects and without limitation may,

- (a) establish and maintain faculties, schools, institutes, centres, departments, chairs and courses of instruction;
- (b) confer degrees, honorary degrees and awards in any branch of learning; and
- (c) federate or affiliate with or take into affiliation or federation other universities, colleges and institutions of learning.

Suspension of  
degree-  
granting  
power

(2) The power of the University to confer degrees, other than degrees in theology, is suspended so long as the University remains affiliated or federated with another university.

University  
land exempt  
from  
expropriation

**5.** An interest in real property held by the University is not subject to expropriation by any person, except a municipal corporation, unless the Act conferring the power to expropriate on that person makes express reference to such real property.

Investments

**6.** The funds of the University not immediately required for its purposes and the proceeds of all property that come to the University, subject to any trusts affecting them, may be invested in such investments as the Board considers proper.

Corporation  
managed by  
Board

**7.—(1)** The affairs of the University shall be managed, supervised and controlled by a Board of Governors which has all the power necessary or convenient to perform its duties

and achieve the objects of the University, except for matters that may be assigned by this Act to the Senate.

(2) The Board shall consist of,

Composition  
of Board

- (a) the president and vice-president of the University, *ex officio*;
- (b) the Provincial Superior of the Congregation of the Resurrection in Ontario, *ex officio*;
- (c) at least one lay person who is a member of the teaching staff holding professorial rank;
- (d) at least one member from each of,
  - (i) the School Sisters of Notre Dame,
  - (ii) the non-teaching staff of the University, and
  - (iii) the graduates of the University;
- (e) such number of members of the Congregation of the Resurrection in Ontario as constitutes a majority of one of the total membership of the Board; and
- (f) such other persons as may be determined by by-law of the Board.

(3) The Board may by by-law establish the number of members to be elected under clauses (2) (c), (d), (e) and (f) and establish the method of electing or appointing such members but,

Size and  
requirements  
of Board

- (a) the Board shall consist of at least fifteen members and not more than forty members; and
- (b) the students, teaching staff and non-teaching staff shall not individually or collectively form a majority of the Board.

**8.** Members of the Board, other than *ex officio* members, shall be Canadian citizens.

Citizenship  
status

**9.**—(1) Members of the Board, other than *ex officio* members, shall hold office for three years, shall be eligible for reappointment for one additional consecutive term and shall hold office until a successor is appointed.

Term of  
office

Staggered  
terms

(2) Notwithstanding subsection (1), the Board shall by by-law provide for the appointment and retirement of members, other than *ex officio* members, in rotation.

Transitional

**10.**—(1) The members of the Board in office immediately before the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act.

By-laws, etc.,  
continued

(2) Subject to this Act, all by-laws, resolutions and appointments of the Board as it existed before the coming into force of this Act continue as by-laws, resolutions and appointments until amended, repealed or revoked.

Board  
reconstituted

(3) Within four months after the coming into force of this Act, the Board shall be reconstituted in the manner set out in subsection 7 (2).

Quorum

**11.** The quorum of the Board may be designated by by-law of the Board.

By-laws  
published

**12.**—(1) The University shall publish its by-laws in such manner as the Board considers proper.

Idem.  
examination

(2) The by-laws of the University shall be open to examination by the public during the normal office hours of the University.

Chancellor

**13.**—(1) There shall be a chancellor of the University who shall be elected by the Board for a term of four years and who is eligible for re-election.

Vice-  
chancellor  
to be  
President

(2) The Board shall appoint a vice-chancellor who shall be president of the University and who, in the absence of the chancellor, shall perform the duties of the chancellor.

Search  
committee

(3) The Board shall by by-law establish a process, including the creation of a search committee, whereby recommendations are made to the Board with respect to the appointment or re-appointment of the vice-chancellor.

Degrees

(4) The chancellor shall be titular head of the University and shall confer all degrees.

Idem

(5) In the absence of the chancellor and the vice-chancellor, the Senate shall appoint a member of the teaching staff to preside at convocation and confer degrees.

Powers of  
the president

**14.** The president is the chief executive officer of the University and has supervision over and direction of the academic

work and general administration of the University, the non-teaching staff, teaching staff and students thereof, and such other powers and duties as may be conferred upon the president by the Board.

**15.** The Board may appoint a vice-president of the University who shall assist the president and, in the absence of the president, shall perform the functions of the president.

Vice-president

**16.**—(1) Except where there is an agreement of federation or affiliation with any other university, there shall be a Senate of the University composed of,

Senate

- (a) the chancellor;
- (b) the vice-chancellor;
- (c) the vice-president;
- (d) four members of the teaching staff elected from and by the full-time teaching staff for a term of three years;
- (e) one graduate elected by the graduates for a term of two years; and
- (f) one student elected by the students for a term of two years.

(2) The members elected under clauses (1) (d), (e) and (f) are eligible for re-election for one additional consecutive term.

Eligible for re-election

(3) The vice-chancellor shall be the chairman of the Senate and the vice-president shall be the vice-chairman.

Chairman and vice-chairman

**17.**—(1) Except as provided by an agreement of federation or affiliation with any other university, the Senate shall,

Powers and duties of Senate

- (a) consider and determine all courses of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs or courses of instruction in the University;
- (c) receive and consider recommendations respecting academic matters from the faculty agencies of the University;

- (d) conduct examinations and appoint examiners;
- (e) grant degrees, honorary degrees and diplomas;
- (f) award scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the University;
- (h) publish the University calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the University; and
- (j) make rules for the conduct of its affairs.

Where no  
Senate  
established

(2) If there is no Senate, the powers and duties of the Senate that are not transferred by agreement to a federated or affiliated university shall be exercised by the Board.

Convocation

**18.**—(1) Convocation shall consist of the members of the Board, the members of the Senate, all members of the teaching staff of the University and all graduates of the University.

Idem

(2) Convocation shall be convened by the Senate.

Auditor

R.S.O. 1980,  
c. 405

**19.** The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually.

Annual  
report

**20.** The Board shall make a financial report annually to the students, staff and teaching staff of the University in such manner as the Board determines.

Meetings of  
Board and  
Senate open  
to public

**21.**—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of the meetings shall be given to the members and to the public in such manner as the Board and the Senate by-law determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Exception

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless the individual requests that such part of the meeting be open to the public.

**22.** Upon the dissolution or winding up of the University, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations in Canada having objects of an educational nature as similar as possible to those of the University. Dissolution

**23.** *The University of St. Jerome's College Act, 1959*, being chapter 139, is repealed. Repeal

**24.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**25.** The short title of this Act is the *University of St. Jerome's College Act, 1986*. Short title





## CHAPTER Pr24

### An Act respecting the Town of Markham

*Assented to November 18th, 1986*

Whereas The Corporation of the Town of Markham hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the Town of Markham may pass by-laws,

By-laws  
respecting  
dogs

- (a) for requiring any person who owns, controls or harbours a dog to keep the dog leashed and under the care and control of some person unless the dog is on the lands of the person who owns, controls or harbours it;
- (b) for prohibiting any person who owns, controls or harbours a dog from permitting the dog to trespass on private property; and
- (c) for requiring any person who owns, controls or harbours a dog to clean up and dispose of any excrement left by the dog on public or private property in the Town of Markham and for excluding from the operation of the by-law such class or classes of persons as may be set out in the by-law.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Town of Markham Act, 1986*.

Short title



## CHAPTER Pr25

**An Act to change the name of the  
Institute of Management Consultants  
of Ontario to the Institute of Certified  
Management Consultants of Ontario**

*Assented to November 18th, 1986*

Whereas the Institute of Management Consultants of Ontario, herein called the Institute, hereby represents that it was incorporated by letters patent dated the 10th day of August, 1966; that by the *Institute of Management Consultants of Ontario Act, 1983*, being chapter Pr32, the members of the Institute were granted the right to use the designation "Certified Management Consultant"; and whereas the Institute considers it desirable to change its name to the Institute of Certified Management Consultants of Ontario; and whereas the Institute hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The corporation incorporated under the name "Institute of Management Consultants of Ontario" is hereby continued under the name "Institute of Certified Management Consultants of Ontario".

Corporate  
name  
change

**2.** The change in the name of the Institute does not affect its rights or obligations.

Change not  
to affect  
rights, etc.

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** The short title of this Act is the *Institute of Certified Management Consultants of Ontario Act, 1986*.

Short title



## CHAPTER Pr26

**An Act respecting  
London Life Insurance Company**

*Assented to November 18th, 1986*

Whereas London Life Insurance Company, herein called the federal company, hereby represents that it was incorporated on the 19th day of November, 1885 pursuant to a Private Act of the Parliament of Canada enacted in 1884; that the applicant for the federal Act was The London Life Insurance Company, herein called the provincial company, which had been incorporated in 1874 by a Private Act of the Legislative Assembly of the Province of Ontario; that the federal Act purported to continue the provincial company as a body politic and corporate under the laws of Canada and to transfer all of the assets and liabilities of the provincial company to the federal company; that the provincial company ceased to carry on business upon the coming into force of the federal Act and all business of the provincial company has been carried on by the federal company since that time; that the provincial company's Act of incorporation has not been repealed; that in 1884 there was no legislative authority permitting a company incorporated under the laws of Ontario to continue its incorporation as a body corporate incorporated under the laws of Canada; that the Superintendent of Insurance of Ontario has questioned whether the provincial company was properly incorporated as a federal company; and whereas it is desirable that this matter be resolved; and whereas the federal company hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The London Life Insurance Company, incorporated under the laws of Ontario by *An Act to incorporate The London Life Insurance Company*, which was assented to the 24th day of March, 1874, shall, from the date of its incorporation, be deemed to have had the power to petition to the Parliament of Canada for special legislation continuing the provin-

Continuation  
of provincial  
company as  
federal  
company

cial company as a company incorporated under the laws of Canada.

Assets and  
liabilities

**2.** All contracts and undertakings and all property, real and personal, rights, demands or claims belonging to, or claimed by the provincial company shall be deemed to have vested in the federal company on the 19th day of November, 1885, subject to all the debts, liabilities and obligations of the provincial company on that day and the provincial company shall be deemed to have been dissolved on that day.

Repeal

**3.** *An Act to incorporate The London Life Insurance Company*, being chapter 85 of the Statutes of Ontario, 1874 (1st Session), is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *London Life Insurance Company Act, 1986*.



## CHAPTER Pr27

### An Act respecting the City of Scarborough

*Assented to November 18th, 1986*

Whereas The Corporation of the City of Scarborough, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, “ravine” means any land designated as “Environmental Impact Zone” by the official plan of the Corporation. Definition

**2.** Subject to the *Weed Control Act*, the council of the Corporation may pass by-laws, By-laws  
respecting  
ravines  
R.S.O. 1980,  
c. 530

- (a) regulating the destruction of trees or other natural vegetation, or any class or classes thereof, on any ravine and prohibiting the destruction of trees or other natural vegetation on any ravine without the consent of the Corporation;
- (b) regulating the excavating, grading or other altering in elevation or contour of any ravine and prohibiting the excavating, grading or other altering in elevation or contour of any ravine without the consent of the Corporation; and
- (c) regulating the disposal of storm, surface and waste water from or into any ravine and from any buildings or structures thereon and prohibiting the provision of facilities for and methods of disposal of storm, surface and waste water from or into any ravine and from any buildings or structures thereon without the consent of the Corporation.

**3.** A by-law passed under section 2 may prohibit the issuance of building permits until the agreements referred to in clause 6 (1) (c) have been entered into. Building  
permits

## Exceptions

**4.** A by-law passed under section 2 does not apply so as to require the consent of the Corporation to the destruction of any tree or other natural vegetation and to the excavating, grading or other altering of any elevation or contour where such destruction, excavation, grading or alteration is necessary in connection with,

- (a) the maintenance of existing sodded areas and developed garden areas, pruning of trees, and the replacement of features such as retaining walls, steps or pathways;
- (b) the normal repair and restoration of any existing building or structure as necessitated by the deterioration of the building or structure;
- (c) the replacement of any existing building or structure damaged or destroyed by fire or other accidental cause, if the replacement building or structure does not have any greater floor area or height and occupies the same location as the building or structure it replaces;
- (d) emergency measures, certified as such by the Commissioner of Recreation and Parks or the Commissioner of Buildings of the Corporation or by the Commissioner of Works or the Commissioner of Roads and Traffic of The Municipality of Metropolitan Toronto, to prevent erosion, slipping of soil or damage to trees;
- (e) the removal of diseased, dead or hazardous trees certified as such by the Commissioner of Recreation and Parks of the Corporation;
- (f) the maintenance and development activities by the Corporation or any department or agency thereof, by The Municipality of Metropolitan Toronto or any department or agency thereof or by The Metropolitan Toronto and Region Conservation Authority comprising the maintenance and development of utilities and services, roads and bridges, walkways, bicycle paths, fences, retaining walls, steps, lighting and any other park or recreational facility; or
- (g) the normal cultivation and maintenance of farm lands, eight hectares or larger, if the lands are actually used for agricultural purposes.

5.—(1) Where the consent of the Corporation under this Act is refused or the Corporation neglects to make a decision thereon within forty-five days after the receipt by the clerk of the application, the owner or the owner's agent duly authorized in writing may appeal to the Ontario Municipal Board within 180 days from the refusal to give the consent or within 180 days after the expiration of the forty-five days, as the case may be, and the Board shall hear the appeal and either dismiss the appeal or direct the Corporation to give the consent with or without any of the conditions set out in section 6 and the decision of the Board is final.

Appeal to  
O.M.B.

(2) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Board under subsection (1).

Non-appli-  
cation  
of  
R.S.O. 1980,  
c. 347

6.—(1) As a condition to the consent referred to in section 2, the Corporation may require the owner of the land to,

Conditions  
of consent

(a) provide to the satisfaction of and at no expense to the Corporation any or all of the following:

1. walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands,
2. grading or alteration in elevation or contour of the land and the provision of facilities for and methods of disposal of storm, surface and waste water from the land and from any building or structures thereon;

(b) maintain to the satisfaction of the Corporation and at the sole risk and expense of the owner any or all of the facilities, works or matters mentioned in paragraphs 1 and 2 of clause (a); and

(c) enter into one or more agreements with the Corporation dealing with any or all of the facilities, works or matters mentioned in clauses (a) and (b).

(2) Any agreement entered into under clause (1) (c) may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration  
of  
agreements

R.S.O. 1980,  
cc. 445, 230

Application  
of  
R.S.O. 1980,  
c. 302

(3) Section 325 of the *Municipal Act* applies to any requirements made under clauses (1) (a) and (b) and to any requirements made under an agreement entered into under clause (1) (c).

Appeal to  
O.M.B.

(4) Where the owner of the land or the owner's agent duly authorized in writing is not satisfied with any of the requirements made by the Corporation under subsection (1) or with any part thereof, including the terms of any agreement required, the owner of the land or the owner's agent duly authorized in writing may within forty-five days after the Corporation has given its consent require the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk of the Corporation, and the Board shall then hear and determine the matter in issue and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Non-  
application  
of  
R.S.O. 1980,  
c. 347

(5) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Board under subsection (4).

Inspections

7. Where a justice of the peace is satisfied, upon an *ex parte* application by the Corporation, that there is reasonable ground for believing that it is necessary to enter upon any lands or premises for the purposes of section 2, the justice of the peace may issue an order authorizing a provincial offences officer to enter and view the lands or premises for such purposes, but every viewing shall be made between sunrise and sunset unless the justice of the peace by the order authorizes the officer to make the entry and viewing at night.

Breach of  
by-law  
respecting  
ravines

8. If an owner of land, in breach of a by-law passed under this Act, destroys trees or other natural vegetation, excavates, grades or alters elevations or contours or provides facilities for or methods of disposal of storm, surface or waste water from any ravine or from any buildings or structures thereon, the Corporation, in addition to any other remedies that it may have, may do such work as may be necessary to restore the land to its former condition, and, without restricting the generality of the foregoing, it may plant trees and other vegetation on the land and alter or remove any facilities or methods of disposal of storm, surface or waste water on or from the land.

Entry upon  
land or  
buildings

9. For the purposes of section 8, the Corporation with its servants and agents from time to time may enter in and upon

the land and any buildings or structures thereon except any building or structure, or part thereof, used as a dwelling unit.

**10.** The Corporation shall have a lien for any amount expended by or on behalf of the Corporation under the authority of section 8 and for an administrative fee, together with interest thereon at a rate to be fixed from time to time by the Corporation, and the certificate of the clerk of the municipality as to the total amount shall be final and such total amount may be added to the collector's roll to be collected in one year or to the proper collector's roll to be collected by instalments over a period of not more than five years and the total of each instalment may be collected in the same manner as real property taxes. Lien

**11.** Without restricting the application of Part XIX of the *Municipal Act*, a by-law passed under section 2 may provide for the imposition of fines of not more than \$25,000, exclusive of costs, on any person who contravenes any provision of the by-law regarding the destruction of trees. Penalties,  
trees  
R.S.O. 1980,  
c. 302

**12.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**13.** The short title of this Act is the *City of Scarborough Act, 1986*. Short title



## CHAPTER Pr28

**An Act respecting the City of Brantford***Assented to November 27th, 1986*

Whereas The Corporation of the City of Brantford, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "business" means any trade, calling, business or occupation, and includes the sale or hire of goods or services on an intermittent or one-time basis but does not include,

Definition

(a) a manufacturing business or an industry, except to the extent that it sells its products or raw materials by retail; or

(b) the selling of goods by wholesale.

**2.—(1)** The council of the Corporation may pass by-laws for licensing, regulating and governing any business carried on within the municipality.

Licensing, regulating, etc., business

(2) A person who, in pursuit of a business, exposes samples, patterns or specimens of any goods or merchandise that are to be delivered in the municipality afterwards shall be deemed to be carrying on business in the municipality.

Where business deemed carried on in municipality

(3) The power to license, regulate and govern a business includes,

Included power

(a) the power to prohibit the carrying on or engaging in the business without a licence;

(b) the power to license, regulate or govern the place or premises used in the carrying on of the business and the persons carrying it on or engaged in it;



- (c) the power to define a class or classes of a business and to separately license, regulate and govern each class or classes or to specify that any of the class or classes shall not be subject to the provisions, or to any particular provision, of the by-law;
- (d) the power to require a person, as a condition of obtaining, continuing or renewing a licence to submit to an examination to determine that person's competence to engage in the business or any class of business to which the licence is related and to refuse to grant a licence, to grant a licence upon conditions or to revoke a licence if the person fails to pass the required examination;
- (e) the power to exempt from an examination any applicant who holds such evidence of qualification, including a licence issued in respect of the business by any other municipality or by the Province of Ontario;
- (f) the power to regulate, govern and inspect the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business and to provide for imposing a fine upon any person carrying on or engaged in the business who refuses to allow the carrying out of an inspection at any reasonable time under a by-law passed under this clause;
- (g) the power to require the persons carrying on the business to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage as may be prescribed in the by-law, and if such insurance is not so provided, the council may refuse to grant a licence to that person for the carrying on of that business or may revoke or suspend any licence;
- (h) the power to grant or refuse a licence for the carrying on or engaging in of such business or to revoke or suspend a licence and to make any suspension subject to such terms or conditions as council may prescribe;
- (i) the power to fix the time for which the licence shall be in force;
- (j) the power to suspend, until the fine is paid, the licence of any person upon whom a fine has been

imposed under the *Provincial Offences Act* for the contravention of the licensing by-law under which the licence was granted if the fine or any part of the fine is due and unpaid for fifteen days or more; and

R.S.O. 1980,  
c. 400

- (k) the power to fix the fee to be paid for the licence as a condition of the licence being granted.

(4) If a provision of a by-law passed under subsection (1) or (3) is in conflict with the provision of any Act, other than the *Municipal Act*, for licensing, regulating or otherwise controlling any business or the persons carrying on or engaged in any business, the provision of that Act prevails to the extent of the conflict.

Conflict

R.S.O. 1980,  
c. 302

(5) In setting the amount of the fees to be charged for the licence, the council of the Corporation shall take into account the costs in administering and enforcing the licensing by-laws of the municipality.

Licence  
fees

### 3.—(1) In this section,

Definitions

“journeyman tradesman” means a person who has been issued a certificate of qualification in a trade under the *Apprenticeship and Tradesmen's Qualification Act*;

R.S.O. 1980,  
c. 24

“master tradesman” means a person who,

- (a) is skilled in the planning, superintending and installing of parts, equipment and appliances in respect of the trade,
- (b) is familiar with the laws governing the trade, and
- (c) performs, or employs a journeyman tradesman to perform the trade.

(2) A person who holds a certificate of apprenticeship or a certificate of qualification issued under the *Apprenticeship and Tradesmen's Qualification Act* in respect of a trade or branch of a trade shall not be required to submit to an examination as a condition of obtaining a licence, but a licence granted to such person under a by-law passed under this Act may be revoked or suspended on the grounds that the person has engaged in the business in an incompetent manner and, upon such revocation or suspension, that person is no longer entitled to the benefit of this subsection.

Exemption  
from  
examination

(3) If council has passed a by-law for the licensing and examining of a master tradesman engaged in or carrying on

work in respect of a specific trade, a person is not exempted from submitting to an examination under that by-law by virtue only of the fact that that person holds a certificate of apprenticeship or certificate of qualification in respect of the trade under the *Apprenticeship and Tradesmen's Qualification Act*.

R.S.O. 1980,  
c. 24

Grounds  
for discretion  
in by-law

4.—(1) The exercise of the power under clause 2 (3) (h) is in the discretion of the council, which discretion shall be exercised upon such grounds as are set out in a by-law passed under subsection 2 (1), and a decision made pursuant to the exercise of that power is final.

Hearings  
required

(2) The council shall not refuse to grant a licence to any applicant or suspend or revoke the licence of any person without first affording to such applicant or person the opportunity to be heard.

Hearings by  
committee  
authorized

(3) The council may provide that a hearing under subsection (2) be conducted by a committee to consist of one or more persons, at least one of whom shall be a member of council.

R.S.O. 1980,  
c. 302, s. 106  
applies  
to a hearing

(4) Section 106 of the *Municipal Act* applies with necessary modifications to hearings conducted by a committee under subsection (3).

Location  
of business

(5) The council shall not refuse to grant a licence with respect to the carrying on of a business by reason only of the location of such business, except that the council shall refuse to grant a licence if the location of the business proposed to be carried on is such that the carrying on of the business would be in contravention of a by-law passed under section 34 of the *Planning Act, 1983* or a predecessor of that section or of an order of the Minister made under clause 46 (1) (a) of the *Planning Act, 1983*.

1983, c. 1

Where  
business  
contravenes  
by-law

(6) The council may refuse to grant a licence or may revoke or suspend a licence where the business in respect of which the licence is to be or has been granted is to be carried on or is carried on in contravention of a by-law of the municipality.

Scope of  
by-law, cabs,  
buses, etc.

5.—(1) A by-law passed under subsection 2 (1) for licensing or regulating owners or drivers of cabs or buses used for hire or owners, operators or drivers of motor or other vehicles used for hire for the carriage of goods or passengers may,

(a) establish the rates or fares to be charged by the owners, operators or drivers of such vehicles for the conveyance of goods or passengers either wholly

within the municipality or to any point beyond its limits;

- (b) limit the number of cabs or buses used for hire or motor or other vehicles used for hire, or any class or classes thereof, that may be operated in the municipality;
- (c) exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,
  - (i) children taking the cab both to and from nursery school, school or other full-time education institution, or
  - (ii) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed by another municipality; and
- (d) exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued by another municipality named in the by-law.

(2) An owner or operator of a bus, truck or other vehicle licensed under the *Public Vehicles Act* or the *Public Commercial Vehicles Act* is exempt from a by-law passed under subsection 2 (1).

Exemption  
R.S.O. 1980,  
cc. 425, 407

**6.—**(1) In this section, “transient trader” includes any person,

Definition

- (a) whose name is not entered on the assessment roll in respect of business assessment for the then current year or whose name is entered on it for the first time in respect of business assessment;
- (b) who offers goods, wares or merchandise for sale in any manner; and
- (c) who has not resided continuously in the municipality for at least three months immediately before the commencement of the business.

Scope of  
by-law,  
transient  
traders  
R.S.O. 1980,  
c. 302

(2) Notwithstanding paragraphs 16 and 17 of section 232 of the *Municipal Act*, the power to license, regulate and govern a business includes the power to license, regulate and govern transient traders.

Head office  
of  
incorporation

(3) For the purposes of this section, a corporation shall be deemed to reside in the municipality if its head office is located in the municipality or if the majority of its directors reside in the municipality.

By-laws  
respecting  
transient  
traders

(4) Any by-law licensing, regulating and governing transient traders,

- (a) does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock;
- (b) does not apply to the sale of a business purchased in good faith by a person who continues the business;
- (c) shall provide that the fee to be paid for a transient trader licence shall not be less than \$100 and shall not exceed \$500 but the fee to be paid for a transient trader licence by a farmer, resident in Ontario, who offers for sale only the produce of his or her farm shall not exceed \$5; and
- (d) shall provide that if the person carrying on the business for which the transient traders licence is issued pays business tax with respect to the business in any year in which the fee for the licence is also paid then the fee shall be credited to the person paying it, or to any person who in good faith purchases the business and carries on the business, on account of the taxes payable in respect of the business in that year.

Application  
to licensing  
powers under  
R.S.O. 1980,  
c. 302

7. The powers granted under subsection 2 (3) apply in respect of a by-law made under the *Municipal Act* for licensing, regulating or governing a business or the persons carrying it on or engaged in it or the place or thing used for carrying it on.

**8.** A by-law passed under the authority of this Act shall, upon the expiry of five years from the date of its passing, be deemed to have been repealed.

When  
by-laws  
deemed  
repealed

**9.** For the purpose of any prosecution or proceeding under a by-law passed under this Act or the *Municipal Act* for licensing, regulating, governing, classifying or inspecting a business, a statement as to the licensing or non-licensing of any premises or person purporting to be signed by the clerk of the Corporation is, without proof of the office or signature of the said clerk, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

Statement of  
clerk, etc., to  
licensing,  
non-licensing  
R.S.O. 1980,  
c. 302

**10.** The council of the Corporation shall by by-law,

Licensing  
advisory  
committee

(a) appoint a licensing advisory committee composed of a maximum of five members of whom two shall be nominated by the Brantford Regional Chamber of Commerce, two shall be members of the general public and one of whom shall be the clerk of the Corporation, to advise council on proposed licensing by-laws and procedures; and

(b) establish terms of reference and operating procedures for the licensing advisory committee.

**11.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**12.** The short title of this Act is the *City of Brantford Act*, 1986.

Short title





## CHAPTER Pr29

**An Act to revive Italo-Canadian Centennial Club***Assented to November 27th, 1986*

Whereas Luciano Artista and Mario Pioversan hereby represent that Italo-Canadian Centennial Club, herein called the Corporation, was incorporated by letters patent dated the 30th day of September, 1969; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants were members of the Corporation at the time of its dissolution and are members of the on-going organization carried on in its name; that the applicant, Mario Pioversan, was a director and officer of the Corporation at the time of its dissolution and is a director and officer of the on-going organization; that the applicant, Luciano Artista, was a director of the Corporation at the time of its dissolution and is a director of the on-going organization; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to represent the cultural interests of the Italo-Canadian Centennial Club of Niagara Falls, Ontario; that the Corporation at the time of its dissolution was performing that function and since that time that function has continued to be carried on in the name of the Corporation; that the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Italo-Canadian Centennial Club is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its

Revival

liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Italo-Canadian Centennial Club Act, 1986*.

## CHAPTER Pr30

**An Act respecting the City of Windsor  
and the Windsor-Detroit Tunnel**

*Assented to November 27th, 1986*

Whereas The Corporation of the City of Windsor hereby represents that it seeks special legislation in relation to the Windsor-Detroit Tunnel; that the portion of the Tunnel situated in Canada was constructed by The Detroit and Windsor Subway Company which was incorporated by an Act of the Parliament of Canada in 1927, being chapter 83 of the Statutes of Canada for that year; that the said Act authorized the Company to construct and operate the said portion of the Tunnel; that section 17 of the said Act provided as follows:

Preamble

The Company shall not construct or operate any of the works mentioned in this Act along, under and over any highway, street or other public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality;

that by by-law 3780, passed on the 4th day of August, 1927, the City consented to the construction of the Tunnel; that the said consent was subject to the Company entering into an agreement with the City; that the agreement was executed by the City and the Company and is dated the 24th day of April, 1928; that among other things the agreement gave the City the option to acquire, without any payment, the land, buildings and equipment of the Company; this option is to be exercised at the end of sixty years from the formal opening of the Tunnel; that the formal opening of the Tunnel was the 3rd day of November, 1930; that the by-law and the agreement were ratified, confirmed and declared to be valid and binding on the City, the ratepayers of the City and the Company by section 6 of *The City of Windsor Act, 1933*, being chapter 110 of the Statutes of Ontario, 1933; that by section 26 of *An Act respecting The Detroit and Windsor Subway Tunnel Company*, being chapter 55 of the Statutes of Canada, 1953, the Parlia-

ment of Canada also ratified the agreement; that the City seeks special legislation that clearly states that it may acquire and own the portion of the Tunnel situated in Canada and any related property and authorizing the City, or a commission established by it, to maintain, operate and manage the said part of the Tunnel and to provide for certain other matters in relation thereto, as set out in section 2; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

**1.** In this Act,

“City” means The Corporation of the City of Windsor;

“Company” means The Detroit and Windsor Subway Company;

“council” means the council of the City;

“related property” means the property of the Company and its successors and assigns used for the purpose of the Tunnel, excluding cash, accounts receivable, shares of stock, bonds, notes and other evidences of indebtedness;

“Tunnel” means the motor vehicle tunnel constructed by the Company that connects the city of Detroit in the State of Michigan, in the United States of America, and the City and includes any facilities established in Canada under paragraph 10 of the agreement referred to in the Preamble for the interchange of passengers with any municipal transportation system of the City of Windsor.

By-laws

**2.** The council may pass by-laws,

- (a) for acquiring, owning, maintaining, operating and managing the portion of the Tunnel situated in Canada and any related property;
- (b) for establishing a commission to maintain, operate and manage the portion of the Tunnel situated in Canada and any related property and for delegating to the commission any or all of the City's power under clauses (a) and (c) in relation to the maintenance, operation and management thereof;
- (c) for entering agreements with one or more persons in relation to the maintenance, operation and man-

agement of the portion of the Tunnel situated in Canada and any related property and such agreement may be subject to such terms and conditions as the council may approve;

- (d) for selling, leasing or otherwise disposing of the City's interest in the Tunnel and in any related property; and
- (e) for doing all things necessary or incidental to the matters provided for in clauses (a) to (d).

**3.** The following provisions apply if a commission is established under clause 2 (b): Commission

1. The commission is a local board of the City and is a body corporate and shall consist of such number of members as the council may determine.
2. A person is disqualified from being a member of the commission unless the person is qualified to be elected as a member of the council.
3. Members shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.
4. Upon the coming into force of the by-law establishing the commission, all the powers, rights, authorities and privileges conferred and the duties imposed on the council by clauses 2 (a) and (c) shall be exercised by the commission, but subject to such limitations as the by-law may provide.
5. The commission may do all things necessary or incidental to the matters provided for in paragraph 4.
6. The commission shall submit to the council its estimates for the current year at the time and in the form prescribed by the council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the commission and, when money is so provided by the council, the City treasurer shall, upon the certificate of the commission, pay out such money to the commission.

7. On or before the 1st day of March in each year, the commission shall submit its annual report for the preceding year to the council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
8. The City auditor shall be the auditor of the commission and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
9. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the commission.
10. Upon the repeal of the by-law establishing the commission, the commission ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the City.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *City of Windsor (Windsor-Detroit Tunnel) Act, 1986*.

## CHAPTER Pr31

### An Act to revive Traco Investments Limited

*Assented to November 27th, 1986*

Whereas Paul Chalmers hereby represents that Traco Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 13th day of August, 1936; that the Minister of Consumer and Commercial Relations by order dated the 24th day of October, 1973, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 28th day of November, 1973; that the applicant is a beneficiary of the estate of the late Ruby Chalmers, a director and holder of common shares of the Corporation at the time of dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Traco Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation  
revived

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Traco Investments Limited Act, 1986*.

Short title





## CHAPTER Pr32

### An Act respecting the City of North York

*Assented to December 18th, 1986*

Whereas The Corporation of the City of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of the Corporation may pass by-laws,

Dumping  
of fill

(a) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the City of North York, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

R.S.O. 1980,  
c. 85

(b) for requiring that a permit be obtained for the placing or dumping of fill, other than in those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

(c) for prescribing conditions under which the placing or dumping of fill may be carried out under a permit issued pursuant to a by-law passed under this section; and

(d) for requiring that fill dumped or placed contrary to a by-law passed or permit issued under this section be removed by the person who dumped or placed it or who caused or permitted it to be dumped or placed.

(2) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the City of North York, a by-law passed under subsection (1) ceases to have effect in that area of the City of North York upon the coming into force of the regulation.

By-law  
ceases to  
have effect

By-law not  
applicable

(3) A by-law passed under subsection (1) does not apply to,

R.S.O. 1980,  
c. 141

(a) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the *Environmental Protection Act*;

(b) a waste, waste disposal site or waste management system that is exempted by regulation from Part V of the *Environmental Protection Act*;

R.S.O. 1980,  
c. 421

(c) the construction, extension, alteration, maintenance or operation of works under section 26 of the *Public Transportation and Highway Improvement Act*;

(d) emergency measures taken by the Corporation or The Municipality of Metropolitan Toronto to prevent erosion, slipping of soil or damage to trees; or

(e) the activities of the Corporation, The Municipality of Metropolitan Toronto or The Metropolitan Toronto and Region Conservation Authority related to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting.

Conflicting  
by-laws

R.S.O. 1980,  
c. 302

(4) Where there is a conflict between a provision of a by-law passed under subsection (1) and a provision of a by-law passed by the council of The Municipality of Metropolitan Toronto under paragraph 129 of section 210 of the *Municipal Act*, the provision of the by-law of The Municipality of Metropolitan Toronto shall prevail.

Appeal

(5) Where,

(a) the Corporation refuses or neglects to issue a permit under clause (1) (b) within forty-five days after the application is received by the clerk of the Corporation; or

(b) an owner objects to a condition in the permit,

the owner may appeal to the Ontario Municipal Board within 180 days from the expiration of the forty-five days, or the issuance of the permit, as the case may be, and the decision of the Board is final.

(6) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Board under subsection (5).

Non-application of  
R.S.O. 1980.  
c. 347

**2.—(1) Subsection 1 (2) of the *City of North York Act, 1983*, being chapter Pr41, as re-enacted by the *Statutes of Ontario, 1985*, chapter Pr13, section 2, is repealed and the following substituted therefor:**

(2) The council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of North York a uniform credit or refund in an amount of \$150 per year, or such greater amount as the by-law may provide against municipal taxes for the years 1985, 1986, 1987 and 1988, in respect of the residential real property,

Tax credit  
and refund  
authorized

(a) if the owner or the spouse of the owner, or both,

(i) has or have attained the age of sixty years and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*,

R.S.O. 1980.  
cc. 151, 188

(ii) has or have attained the age of sixty-five years and is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada), or

R.S.C. 1970.  
c. O-6

(iii) is or are disabled and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*;

R.S.O. 1980.  
cc. 151, 188

(b) if the owner or the spouse of the owner, or both, occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence; and

(c) if the owner or the spouse of the owner, or both, has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit.

**(2) Subsection 1 (2a) of the said Act, as enacted by the *Statutes of Ontario, 1985*, chapter Pr13, section 2, is repealed and the following substituted therefor:**

## Definitions

(2a) In this section,

“disabled” means a person who has,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental retardation or impairment,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, or
- (d) a mental disorder;

“spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** The short title of this Act is the *City of North York Act, 1986*.

## CHAPTER Pr33

### **An Act respecting the City of Toronto**

*Assented to December 18th, 1986*

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this section,

Definitions

“employee” includes a person who,

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;

“employer” includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;

“enclosed” means closed in by a roof or ceiling and four walls with an appropriate opening or openings for ingress or egress;

“inspector” means a person appointed by the council of the Corporation under clause (2) (k);

“smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

“smoking policy” means a written policy that attempts to accommodate the preferences of smokers and non-smokers in a workplace;

“workplace” means any enclosed area of a building or structure in which an employee works.

By-laws  
respecting  
smoking in  
the  
workplace

(2) The council of the Corporation may pass by-laws,

- (a) for requiring every employer in the City of Toronto, within the time specified in the by-law, to adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer;
- (b) for requiring every employer required by by-law to adopt and implement a smoking policy to maintain that smoking policy in the workplace for which it was adopted and to give notice of the adoption of the smoking policy to each employee in the workplace within the time specified in the by-law;
- (c) for providing that if a smoking policy has been adopted, a non-smoking employee may object to the employer about smoke in the workplace;
- (d) for requiring an employer, if an objection has been made under clause (c), to attempt to reach a reasonable accommodation between the preferences of non-smoking and smoking employees using already available means of ventilation, separations or partitions, but no employer shall be required to make any expenditures or structural alterations to the workplace to accommodate the preferences of non-smoking employees;
- (e) for requiring an employer to prohibit smoking in the workplace if an accommodation satisfactory to all non-smoking employees in a workplace cannot be reached and to erect signs indicating the prohibition;
- (f) for prohibiting any person from smoking in a workplace contrary to the smoking policy adopted for that workplace;
- (g) for prohibiting any person from smoking in a workplace if smoking has been prohibited as required by by-law;



- (h) for prescribing the size, location and details of the signs which an employer is required by the by-law to erect in that workplace;
- (i) for providing that any employer who permits smoking in a workplace contrary to the smoking policy adopted for that workplace or contrary to the prohibition under clause (e) is guilty of an offence;
- (j) for prescribing the method by which any notice is required to be given by the employer; and
- (k) for appointing inspectors.

(3) For the enforcement of any by-law passed under this section, an inspector, upon producing proper identification, may, at all reasonable hours, enter any workplace or any building or structure in which a workplace is situate, and may make examinations, investigations and inquiries.

Inspection  
of workplace

(4) No inspector may enter a workplace that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.

Where  
workplace  
is a dwelling

(5) No person shall hinder or obstruct an inspector lawfully carrying out the enforcement of any by-law passed under this section.

Obstruction  
of inspector  
prohibited

(6) If any person,

Application  
for warrant

- (a) denies entry or access to an inspector, through or over a workplace or through or over any building or structure in which a workplace is situate;
- (b) instructs or directs an inspector to leave a workplace or any building or structure in which a workplace is situate;
- (c) obstructs an inspector from carrying out the enforcement of a by-law passed under this section; or
- (d) refuses to comply with a request for the production of any thing, the production of which is requested for the purpose of an examination, investigation or inquiry,

an inspector may apply to a justice of the peace for a warrant.

Warrant  
by justice  
of the peace

(7) If a justice of the peace is satisfied on evidence under oath,

(a) that there is reasonable and probable ground for believing that it is necessary,

(i) to enter and have access to any workplace or any building or structure in which a workplace is situate, or

(ii) to make examinations, investigations and inquiries for the purpose of this section or the enforcement of any by-law passed under this section; and

(b) that an inspector,

(i) has been denied entry to the workplace or to any building or structure in which a workplace is situate,

(ii) has been instructed or directed to leave the workplace or any building or structure in which a workplace is situate,

(iii) has been obstructed, or

(iv) has been refused production of any thing related to an examination, investigation or inquiry,

the justice of the peace may issue a warrant authorizing an inspector to act as mentioned in clause (a) in respect of the workplace or building or structure specified in the warrant, by force if necessary, together with such police officers as may be called upon to assist the inspector.

Execution  
of warrant

(8) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

Expiry of  
warrant

(9) A warrant issued under this section shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Ex parte  
application

(10) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the employer or owner or occupier of the workplace or of the building or structure in which a workplace is situate.

**2.—(1)** In this section,

Definitions

“food vending vehicle” means a vehicle from which refreshments are sold for consumption by the public;

“vehicle” includes a motor vehicle, trailer, farm tractor and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

(2) The council of the Corporation may pass by-laws,

Establishment  
of food  
vending zones

- (a) designating areas on public highways for the parking of food vending vehicles for the purpose of selling food products therefrom;
- (b) granting the exclusive use of any designated area to an owner of a food vending vehicle and providing for the issuance of permits for the privilege of exclusively using any designated area or areas;
- (c) prescribing the procedures to be followed in the processing of an application for a permit and the fee to be charged for the permit;
- (d) defining the conditions which the council may impose on the issuance of a permit;
- (e) requiring that the applicant for a permit holds a valid refreshment vehicle licence issued by the Metropolitan Licensing Commission;
- (f) regulating the hours of operation under a permit;
- (g) providing for the revocation or suspension of a permit by the council in the event of non-compliance with the conditions of issuance or such other reason as the council deems sufficient;
- (h) providing for the issuance of identifying markers in connection with the permits and the manner in which the identifying markers are to be affixed to a food vending vehicle;
- (i) prohibiting the improper use or acquisition of a permit or identifying markers issued in connection with a permit; and
- (j) prohibiting the parking, stopping or standing of any vehicle on the portion of a highway designated for

the parking of food vending vehicles unless the owner of the vehicle is the holder of a permit issued pursuant to the by-law.

Limitation  
of by-law

R.S.O. 1980,  
c. 421

(3) A by-law passed under subsection (2) that affects a highway designated as a connecting link or extension of the King's Highway under subsection 21 (1) of the *Public Transportation and Highway Improvement Act* has no effect until it is approved by the Minister of Transportation and Communications.

Permit not  
transferable

(4) A permit issued under this section is not transferable.

Limited  
delegation

(5) The powers set out in a by-law passed under subsection (2) shall be exercised by the council of the Corporation and may not be delegated to any committee other than a committee consisting solely of members of council.

Hearing

(6) Subject to subsection (7), before refusing, suspending or revoking a permit the council of the Corporation shall afford the applicant or permit holder an opportunity to be heard.

Suspension  
without  
hearing

(7) The council of the Corporation may by by-law authorize the Commissioner of Public Works, without holding a hearing, to suspend any permit for such time and subject to such conditions as the by-law may provide where the Commissioner of Public Works knows or has reason to believe that the health or safety of the public is endangered.

Limitations  
on  
suspension

(8) No suspension of a licence by the Commissioner of Public Works is effective after the expiration of four weeks from the date of suspension or after the next meeting of the council of the Corporation, whichever occurs first.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *City of Toronto Act, 1986 (No. 2)*.

CHAPTER Pr34

An Act respecting the City of London

*Assented to December 18th, 1986*

Whereas The Corporation of the City of London hereby applies for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the appli-cation;

Preamble

Therefore, Her Majesty, by and with the advice and con-sent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, “Corporation” means The Corporation of the City of London.

Definition

**2.** Section 3 of the *Municipal Franchises Act* does not apply to a by-law of the Corporation renewing or extending the right or franchise of Cities Heating Company Limited to supply steam to the Corporation or to the inhabitants of the municipality.

Steam  
franchise  
R.S.O. 1980,  
c. 309

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** The short title of this Act is the *City of London Act, 1986*.

Short title



## CHAPTER Pr35

### An Act respecting the City of North Bay

*Assented to December 18th, 1986*

Whereas the council of The Corporation of the City of North Bay, herein called the Corporation, hereby represents that it has acquired a facility located on the land described in the Schedule, to meet the cultural, educational and entertainment needs of the North Bay community; that the lands are owned by the Corporation and leased to the North Bay Theatre and Arts Community Centre, a non-profit corporation without share capital, that has agreed to operate the arts centre facility according to the terms of a funding agreement and a lease agreement both dated the 1st day of April, 1986; that the Corporation considers it desirable to pass by-laws exempting the aforesaid land from taxes for municipal and school purposes, except for local improvement rates, while it is occupied and used according to the terms of the agreement; and whereas the applicant further represents that a hospital corporation has been formed under the name of the North Bay & District Health Centre; that the Corporation has provided funds in its five year capital budget for the development of the North Bay & District Health Centre; that the formation of the North Bay & District Health Centre may involve the transfer of the assets of the North Bay Civic Hospital to the North Bay & District Health Centre, upon terms satisfactory to the council of the Corporation.

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The council of the Corporation may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in the *Assessment Act*, or a part thereof known as 148 Main Street East, as described in the Schedule, so long as the land or that part of the land is occupied and used solely for the purpose of the North Bay Arts Centre by the North Bay Theatre and Arts Community Centre.

Tax  
exemption

R.S.O. 1980,  
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions



By-laws  
re  
agreement,  
etc.

2. The council of the Corporation may pass by-laws,

- (a) for entering into agreements upon such terms and conditions as the council considers proper with the North Bay & District Health Centre in respect of the acquisition, design, construction and operation of a public hospital in the municipality and for doing all such things as may be necessary for that purpose;
- (b) for authorizing the transfer of all or part of the assets and operation of the North Bay Civic Hospital upon such terms and conditions as the council considers proper to the North Bay & District Health Centre and for doing all such things as may be necessary for that purpose; and
- (c) subject to section 64 of the *Ontario Municipal Board Act*, to borrow money for the purposes set out in clauses (a) and (b).

R.S.O. 1980,  
c. 347

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of North Bay Act, 1986*.

SCHEDULE

*Firstly:* The northwesterly part of Village Lot 137 having a uniform width of 60 feet fronting on McIntyre Street and running the full depth of the said Lot, Plan 10.

*Secondly:* Lot 94, north side of Main Street, Plan 10, save and except a strip of land on the easterly side of the said Lot having a frontage on Main Street of 6 feet and extending 132 feet back to the northerly boundary of the said Lot to be used as a road between lots 94 and 93.

*Thirdly:* The southeasterly 40 feet from front to rear of Lot 136 on the south side of McIntyre Street, Plan 10, together with a right-of-way in common with others for persons, animals and vehicles over and along the southeasterly 3 feet 10 inches from front to rear of the land, immediately to the west side of the land herein described; and subject to a right-of-way for persons, animals and vehicles over and along the westerly 5 feet 8 inches from front to rear of the land herein described.

## CHAPTER Pr36

**An Act to revive 546672 Ontario Limited***Assented to December 18th, 1986*

Whereas Anthony Lagani hereby represents that 546672 Ontario Limited, herein called the Corporation, was incorporated by articles of incorporation dated the 8th day of April, 1983; that the Minister of Consumer and Commercial Relations by order dated the 18th day of February, 1986, and made under the authority of subsection 239 (2) of the *Business Corporations Act, 1982*, being chapter 4, cancelled the certificate of incorporation of the Corporation for failure to comply with a request under section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980; that the applicant was the sole director and holder of the common shares of the Corporation at the time of its dissolution; that the request to comply with section 5 of the *Corporations Information Act*, although sent to the applicant as director, was not received by him until he received the order cancelling the certificate of incorporation; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** 546672 Ontario Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *546672 Ontario Limited Act, 1986*.

Short title



# TABLE OF PUBLIC STATUTES

Showing all Acts contained in the Revised Statutes of Ontario, 1980 and all other Public Acts enacted in 1981, 1982, 1983, 1984, 1985 and 1986, together with amendments and repeals.

Title of Act	CITATION		Amendments and Repeals to end of 1986
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A			
Abandoned Orchards Act . . . . .	1		
Absconding Debtors Act . . . . .	2		
Absentees Act . . . . .	3		1986,c. 64,s. 1.
Accidental Fires Act . . . . .	4		
Accumulations Act . . . . .	5		
Administration of Justice Act . . . . .	6		
Age of Majority and Accountability Act . . . . .	7		
Agricultural Associations Act . . . . .	8		
Agricultural Committees Act . . . . .	9		
Agricultural Development Finance Act . . . . .	10		
Agricultural Rehabilitation and Development Act (Ontario) . . . . .	11		
Agricultural Representatives Act . . . . .	12		
Agricultural Research Institute of Ontario Act . . . . .	13		
Agricultural Societies Act . . . . .	14		1982,c. 51.
Agricultural Tile Drainage Installation Act . . . . .	15		
Airports Act . . . . .	16		
Alcoholism and Drug Addiction Research Foundation Act . . . . .	17		
Algonquin Forestry Authority Act . . . . .	18		
Aliens' Real Property Act . . . . .	19		
Ambulance Act . . . . .	20		
Amusement Devices Act, 1986 . . . . .	...	1986,c. 6	
Anatomy Act . . . . .	21		
Animals for Research Act . . . . .	22		
Apportionment Act . . . . .	23		
Apprenticeship and Tradesmen's Qualification Act . . . . .	24		1986,c. 64,s. 2.
Arbitrations Act . . . . .	25		1984,c. 11,s. 161.
Arboreal Emblem Act, 1984 . . . . .	...	1984,c. 7	
Architects Act . . . . .	26		1984,c. 12,rep.
Architects Act, 1984 . . . . .	...	1984,c. 12	
Archives Act . . . . .	27		
Art Gallery of Ontario Act . . . . .	28		
Artificial Insemination of Live Stock Act . . . . .	29		
Arts Council Act . . . . .	30		
Assessment Act . . . . .	31		1981,c. 47; 1982,c. 40,s. 3 and c. 56; 1983,c. 58; 1984, c. 28,c. 48,s. 22 and c. 49; 1985,c. 9; 1986,c. 69 and c. 71.
Assessment Appeals Procedure Statute Law Amendment Act, 1982 . . . . .	...	1982,c. 40	
Assessment Review Board Act . . . . .	32		1982,c. 40,s. 1.
Assessment Review Court Act (See now Assessment Review Board Act)			
Assignments and Preferences Act . . . . .	33		
Athletics Control Act . . . . .	34		
Audit Act . . . . .	35		

Title of Act	CITATION		Amendments and Repeals to end of 1986
	R.S.O. 1980 Chap.	Other	
B			
Bail Act . . . . .	36		
Bailiffs Act . . . . .	37		1984,c. 11,s. 162.
Barrie-Innisfil Annexation Act, 1981 . . . . .		1981,c. 63	
Barrie-Vespra Annexation Act, 1984 . . . . .		1984,c. 41	
Barristers Act . . . . .	38		
Beach Protection Act . . . . .	39		
Beds of Navigable Waters Act . . . . .	40		
Beef Cattle Marketing Act . . . . .	41		
Bees Act . . . . .	42		
Bills of Sale Act . . . . .	43		
Blind Persons' Rights Act . . . . .	44		
Blind Workmen's Compensation Act . . . . .	45		
Boilers and Pressure Vessels Act . . . . .	46		1983,c. 33.
Boundaries Act . . . . .	47		
Brantford-Brant Annexation Act, 1980 . . . . .		1980,c. 43	1982,c. 48.
Bread Sales Act . . . . .	48		
Bridges Act . . . . .	49		1985,c. 5,s. 1.
Brucellosis Act . . . . .	50		
Building Code Act . . . . .	51		1983,c. 83.
Bulk Sales Act . . . . .	52		
Bull Owners' Liability Act . . . . .	53		
Business Corporations Act . . . . .	54		1981,c. 66,Sched.; 1982, c. 4,rep.
Business Corporations Act, 1982 . . . . .		1982,c. 4	1986,c. 57 and c. 64,s. 3.
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C			
Canadian Insurance Exchange Act, 1986 . . . . .		1986,c. 70	
Cancer Act . . . . .	57		
Cancer Remedies Act . . . . .	58		
Capital Aid Corporations Repeal Act, 1985 . . . . .		1985,c. 14	
Cemeteries Act . . . . .	59		
Centennial Centre of Science and Technology Act . . . . .	60		
Central Trust Company Act, 1983 . . . . .		1983,c. 64	
Certification of Titles Act . . . . .	61		1982,c. 38.
Change of Name Act . . . . .	62		1986,c. 7,s. 14,rep.
Change of Name Act, 1986 . . . . .		1986,c. 7	
(Loi de 1986 sur le changement de nom)			
Changement de nom, Loi de 1986 sur le . . . . .		1986,c. 7	
(Change of Name Act, 1986)			
Charitable Gifts Act . . . . .	63		
Charitable Institutions Act . . . . .	64		1984,c. 55,s. 207.
Charities Accounting Act . . . . .	65		1982,c. 11; 1983,c. 61.
Child and Family Services Act, 1984 . . . . .		1984,c. 55	
Child Welfare Act . . . . .	66		1981,c. 66,Sched.; 1983,c. 8, s. 17; 1984,c. 19,s. 9 and c. 55,s. 208,rep. (but see 1984,c. 19,s. 9 (4),(5)).
(See now Child and Family Services Act, 1984)			1984,c. 55,s. 209,rep.
Children's Institutions Act . . . . .	67		
(See now Child and Family Services Act, 1984)			
Children's Law Reform Act . . . . .	68		1982,c. 20,s. 1; 1984,c. 11, s. 163; 1986,c. 8 and c. 64, s. 4.

Title of Act	CITATION		Amendments and Repeals to end of 1986
	R.S.O. 1980 Chap.	Other	
Children's Mental Health Services Act . . . . .	69		1984, c. 55, s. 211, rep.
(See now Child and Family Services Act, 1984)			
Children's Probation Act . . . . .	70		1984, c. 19, s. 10, rep.
(See now Young Offenders Implementation Act, 1984 and Child and Family Services Act, 1984, Part IV (Young Offenders))			
Children's Residential Services Act . . . . .	71		1984, c. 55, s. 210, rep.
(See now Child and Family Services Act, 1984)			
Chiropody Act . . . . .	72		
City of Toronto 1981 Assessment Complaints Act, 1982 . . . . .		1982, c. 8	
Collection Agencies Act . . . . .	73		1983, c. 32.
Colleges Collective Bargaining Act . . . . .	74		
Colleges of Applied Arts and Technology Labour Dispute Settlement Act, 1984 . . . . .		1984, c. 43	
Commissioners for taking Affidavits Act . . . . .	75		
Commodity Board Members Act . . . . .	76		
Commodity Boards and Marketing Agencies Act . . . .	77		
Commodity Futures Act . . . . .	78		1985, c. 5, s. 2.
Community Psychiatric Hospitals Act . . . . .	79		
Community Recreation Centres Act . . . . .	80		
Commuter Services Act . . . . .	81		
Compensation for Victims of Crime Act . . . . .	82		1986, c. 37 and c. 64, s. 5.
Compulsory Automobile Insurance Act . . . . .	83		
Condominium Act . . . . .	84		1983, c. 67, s. 7.
Conservation Authorities Act . . . . .	85		1983, c. 8, s. 20.
Consolidated Hearings Act, 1981 . . . . .		1981, c. 20	
Constitutional Questions Act . . . . .	86		1984, c. 11, s. 164, rep.
(See now Courts of Justice Act, 1984)			
Construction Lien Act, 1983 . . . . .		1983, c. 6	1983, c. 77; 1984, c. 11, s. 165.
Consumer Protection Act . . . . .	87		
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Consumer Reporting Act . . . . .	89		
Conveyancing and Law of Property Act . . . . .	90		1981, c. 66, Sched.; 1984, c. 32, s. 17; 1986, c. 64, s. 6. 1981, c. 61; 1986, c. 64, s. 7.
Co-operative Corporations Act . . . . .	91		
Co-operative Health Services of Ontario Assets Protection Act, 1981 . . . . .		1981, c. 7	
Co-operative Loans Act . . . . .	92		
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# TABLE OF PROCLAMATIONS

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## A

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- BUSINESS CORPORATIONS AMENDMENT ACT: 1986, c. 57, ss. 1 to 17, 19 to 22, 24 and 25 (1st January, 1987).
- CENTRAL TRUST COMPANY ACT: 1983, c. 64 (9th December, 1983).
- CHILD AND FAMILY SERVICES ACT: 1984, c. 55, ss. 1 to 33, 37 to 108, 120 to 123, 127 to 156, 158 to 161, 175 to 230 (1st November, 1985); 1984, c. 55, ss. 34, 35 and 36 (1st January, 1986).
- CHILDREN'S LAW REFORM AMENDMENT ACT: 1982, c. 20, s. 1 [47] (1st July, 1982); 1982, c. 20, s. 1 [18-46, 48-79] and ss. 2 to 7 (1st October, 1982); 1986, c. 8 (1st September, 1986).
- CORPORATIONS INFORMATION AMENDMENT ACT: 1984, c. 3 (1st July, 1985).
- COUNTY COURTS AMENDMENT ACT: 1981, c. 24 (8th September, 1981); 1984, c. 1 (25th June, 1984).
- COUNTY OF OXFORD AMENDMENT ACT: 1982, c. 25, ss. 4 and 9 (1st October, 1982).
- COURTS OF JUSTICE ACT: 1984, c. 11, ss. 1, 73, 76, 85, 89, 90, 221 and 222 (1st June, 1984); 1984, c. 11, ss. 2 to 72, 74 and 75, 77 to 84, 86 to 88 and 91 to 220 (1st January, 1985).
- COURTS OF JUSTICE AMENDMENT ACT: 1984, c. 64, ss. 2, 3 (1), 5, 8, 9 and 10 (1st January, 1985).
- CREDIT UNIONS AND CAISSES POPULAIRES ACT: R.S.O. 1980, c. 102, s. 65 (1st December, 1981).
- CREDIT UNIONS AND CAISSES POPULAIRES AMENDMENT ACT: 1983, c. 46, ss. 1, 8 to 11, 13 to 15 and 18 to 20 (3rd August, 1983); 1983, c. 46, s. 3 (12th October, 1983); 1983, c. 46, ss. 4, 5, 6 and 7 (1st February, 1985); 1983, c. 46, s. 2 (28th June, 1985).
- DANGEROUS GOODS TRANSPORTATION ACT: 1981, c. 69 (1st July, 1985).
- DEGREE GRANTING ACT: 1983, c. 36 (30th June, 1984).
- DROIT DE LA FAMILLE, LOI SUR LE...: 1986, chap. 4, art. 1 à 71 (1), 71 (3) à 77 (1<sup>er</sup> mars 1986).  
(FAMILY LAW ACT, 1986)
- ENGLISH AND WABIGOON RIVER SYSTEMS MERCURY CONTAMINATION SETTLEMENT AGREEMENT ACT: 1986, c. 23 (28th July, 1986).

- ENVIRONMENTAL PROTECTION ACT: R.S.O.1980,c. 141,s. 137 (4) (4th March, 1984); Part IX (ss. 79-112) and s. 136 (7) (29th November, 1985).
- ENVIRONMENTAL PROTECTION AMENDMENT ACT: 1983,c. 52,ss. 1 to 6, 15 to 23 (1), 24 to 27 (1st January, 1984); 1983,c. 52,ss. 7 to 11 (5th February, 1984); 1983,c. 52,ss. 12 to 14 and s. 23 (2), (3) and (4) (4th March, 1984).
- EXÉCUTION D'ORDONNANCES ALIMENTAIRES ET DE GARDE D'ENFANTS, LOI SUR L' . . . : 1985, chap. 6, art. 1, 2 (1) et (5), alinéa 6 (3) b), art. 6 (5) et (6), 7 (1), 8 et 9, 10 (1), (2) et (3), 11 (2) à (12), 12 à 15, 16 (2), 17 et 18 (1<sup>er</sup> mars 1986).
- (SUPPORT AND CUSTODY ORDERS ENFORCEMENT ACT, 1985).
- EXPROPRIATIONS AMENDMENT ACT: 1983,c. 47 (15th July, 1983).
- EXTRA-PROVINCIAL CORPORATIONS ACT: 1984,c. 14 (1st March, 1985).
- FAMILY LAW ACT: 1986,c. 4,ss. 1 to 71 (1), 71 (3) to 77 (1st March, 1986).
- (LOI DE 1986 SUR LE DROIT DE LA FAMILLE)
- FARM PRODUCTS CONTAINERS ACT: 1982,c. 53 (30th June, 1983).
- FARM PRODUCTS GRADES AND SALES AMENDMENT ACT: 1984,c. 40 (1st September, 1984).
- FIRE MARSHALS AMENDMENT ACT: 1981,c. 8,ss. 2, 3 (2) (1st December, 1983).
- FOREIGN ARBITRAL AWARDS ACT: 1986,c. 25 (10th August, 1986).
- (LOI DE 1986 SUR LES SENTENCES ARBITRALES ÉTRANGÈRES)
- GRAIN CORN MARKETING ACT: 1984,c. 26 (1st September, 1984).
- GRAIN ELEVATOR STORAGE ACT: 1983,c. 40 (1st July, 1984).
- HEALING ARTS RADIATION PROTECTION ACT: R.S.O.1980,c. 195,ss. 2, 15, 16, 17, 18 (1st August, 1981); ss. 1, 3, 4, 6, 8 to 14, 19 to 27 (1st February, 1984); ss. 5 and 7 (1st July, 1985).
- HEALTH CARE ACCESSIBILITY ACT: 1986,c. 20 (20th June, 1986).
- HEALTH PROTECTION AND PROMOTION ACT: 1983,c. 10 (1st July, 1984).
- HIGHWAY TRAFFIC ACT: R.S.O.1980,c. 198,ss. 195 to 198 (Part XV) (1st April, 1981); s. 18 (6) (1st January, 1986).
- HIGHWAY TRAFFIC AMENDMENT ACT: 1981,c. 48,s. 8 (1st April, 1982); 1982, c. 28,s. 2 (1st October, 1982); 1982,c. 28,s. 3 (1st November, 1982); 1982,c. 28,s. 5 (3) and (4) (1st September, 1983); 1982,c. 15,ss. 1 to 7, 9, 10, 12 to 15 (1st December, 1982); 1984,c. 21,ss. 9 to 15, s. 16 [124 (1) and (4) to (29)] and ss. 17 and 18 (1st September, 1984); 1984,c. 21,s. 4 (1) (30th September, 1985); 1985,c. 13,s. 17 (23rd May, 1986).
- HOMES FOR THE AGED AND REST HOMES ACT: R.S.O.1980,c. 203,s. 12 (5) (1st March, 1982).
- HUMAN RIGHTS CODE: 1981,c. 53 (15th June, 1982).
- IMMUNIZATION OF SCHOOL PUPILS AMENDMENT ACT: 1983,c. 76,ss. 2 to 4 (15th January, 1984); 1983,c. 76,s. 1 (1st July, 1984).
- INSURANCE ACT: R.S.O.1980,c. 218,s. 404 (1st April, 1981); ss. 398 to 403, 405 (1st October, 1981).
- INTERPROVINCIAL SUBPOENAS ACT: R.S.O.1980,c. 220 (1st January, 1985).
- JUDICATURE AMENDMENT ACT: 1981,c. 23 (27th July, 1981).
- LAND REGISTRATION REFORM ACT: 1984,c. 32,ss. 1 to 22 (25), 22 (27) to 26 (1st November, 1984).
- LIQUOR LICENCE AMENDMENT ACT: 1984,c. 4 (18th May, 1984).
- LIVE STOCK BRANDING AMENDMENT ACT: 1981,c. 36 (1st March, 1982).

- MENTAL HEALTH ACT: R.S.O.1980,c. 262,ss. 66 and 67 (1st March, 1984).
- METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT: 1981,c. 43 (21st December, 1981).
- MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS AMENDMENT ACT: 1984,c. 5 (18th May, 1984).
- MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT: 1984,c. 66,s. 12 (2), (4) and (6) (1st November, 1985).
- MOTORIZED SNOW VEHICLES AMENDMENT ACT: 1982,c. 13 (1st September, 1982).
- MUNICIPAL AMENDMENT ACT: 1986,c. 14 (1st March, 1986).
- MUNICIPAL BOUNDARY NEGOTIATIONS ACT: 1981,c. 70 (1st February, 1982).
- MUNICIPAL CONFLICT OF INTEREST ACT: 1983,c. 8 (1st March, 1983).
- MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT: 1982,c. 29,ss. 5 and 12 (1) (1st October, 1982).
- ONTARIO DRUG BENEFIT ACT: 1986,c. 27 (1st December, 1986).
- ONTARIO WASTE MANAGEMENT CORPORATION ACT: 1981,c. 21,s. 5 (30th September, 1983); 1981,c. 21, *see* s. 15 (3) (21st July, 1985).
- ONTARIO WATER RESOURCES AMENDMENT ACT: 1981,c. 50,ss. 3, 4, 5 (17th March, 1982); 1981,c. 50,ss. 1 and 2 (1st November, 1984); 1983,c. 51,s. 3 (4) and (5) (1st November, 1984).
- OPERATING ENGINEERS AMENDMENT ACT: 1982,c. 42 (20th September, 1982).
- PENSION BENEFITS AMENDMENT ACT: 1983,c. 2 (10th February, 1983).
- PLANNING ACT: 1983,c. 1,ss. 1 to 39, 41 to 73 (1) and 74 to 76 (1st August, 1983); 1983,c. 1,ss. 40 and 73 (2) (1st March, 1986).
- PLANNING STATUTE LAW AMENDMENT ACT: 1983,c. 5 (1st August, 1983).
- POLICE AMENDMENT ACT: 1983,c. 57 (29th February, 1984).
- PRESCRIPTION DRUG COST REGULATION ACT: 1986,c. 28 (1st December, 1986).
- PROFESSIONAL ENGINEERS ACT: 1984,c. 13 (1st September, 1984).
- PROVINCIAL COURTS AMENDMENT ACT: 1983,c. 85 (2nd April, 1984).
- PROVINCIAL OFFENCES STATUTE LAW AMENDMENT ACT: 1983,c. 80 (2nd April, 1984).
- PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT: 1981,c. 71,ss. 1, 2 (2), 3, 9, 11, 12, 13 (1), 15 (3) (15th February, 1982); 1983,c. 79 (1st April, 1986); 1984,c. 20 (1st April, 1986); 1986,c. 11 (1st April, 1986).
- PUBLIC LIBRARIES ACT: 1984,c. 57 (29th March, 1985).
- PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT: 1984,c. 22,ss. 1 to 11, s. 13 and ss. 15 to 19 (1st January, 1985); 1986,c. 12 (1st August, 1986).
- RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT: 1982,c. 9 (1st October, 1982).
- REGIONAL MUNICIPALITIES AMENDMENT ACT: 1982,c. 26,ss. 8, 12, 19, 24, 33, 43, 52, 57, 61, 66, 70, 75, 79, 84, 88, 93 and 97 (1st October, 1982); 1986,c. 46,s. 6 (7) and (10) (1st January, 1987).
- REGISTERED INSURANCE BROKERS ACT: R.S.O.1980,c. 444, ss. 1, 4, 6, 8 to 12, 15 to 27, 30, 31, 33 to 35 (1st April, 1981); ss. 2, 3, 5, 7, 13, 14, 28, 29, 32, 36 (1st October, 1981).
- REGISTRY AMENDMENT ACT: 1981,c. 17 (1st August, 1981).
- RESIDENTIAL COMPLEX SALES REPRESENTATION ACT: 1983,c. 67 (19th December, 1983).
- RESIDENTIAL RENT REGULATION ACT: 1986,c. 63,ss. 1, 8, 12, 37 to 42, 44 to 46, 48 to 50, 52, 53, 71 (2) and (3), 118, 125, 129 (4), 130, 131 and Schedule A (15th December, 1986); 1986,c. 63,ss. 2 to 7, 9 to 11, 13 to 36, 47, 51, 70, 71 (4), 72 to 74, 75 (a) to (h) and (j), 76 to 82, 83 (1), (2) and (3), 84 to 90, 92 (1) (a), (b), (d) and (e), 92 (2) to (4), 94 to 116, 119 to 121, 122 (1) (a) to (f) and (h), 122 (2) and (3), 123, 124, 126, 127, 129 (1), (2) and (3) and Schedule B (1st January, 1987); 1986,c. 63,ss. 54 to 69, 122 (1) (g) (2nd January, 1987).

SENTENCES ARBITRALES ÉTRANGÈRES, LOI SUR LES...: 1986, chap. 25 (10 août 1986).

(FOREIGN ARBITRAL AWARDS ACT, 1986)

SHEEP AND WOOL MARKETING ACT: 1981, c. 32 (15th March, 1982).

SHORELINE PROPERTY ASSISTANCE ACT: R.S.O. 1980, c. 471, s. 15 (15th May, 1981).

SMALL CLAIMS COURTS AMENDMENT ACT: 1983, c. 22, s. 2 (2nd August, 1983).

SUPPORT AND CUSTODY ORDERS ENFORCEMENT ACT: 1985, c. 6, ss. 1, 2 (1) and (5), clause 6 (3) (b), ss. 6 (5) and (6), 7 (1), 8 and 9, 10 (1), (2) and (3), 11 (2) to (12), 12 to 15, 16 (2), 17 and 18 (1st March, 1986).

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THUNDER BAY (CITY OF) AMENDMENT ACT: 1983, c. 11, s. 1 (1st August, 1983).

TORONTO DISTRICT HEATING CORPORATION ACT: 1980, c. 73, s. 21 (9th July, 1982); ss. 2 to 15, 17 to 20, 22 to 28 and 30 (1st November, 1982).

TORONTO FUTURES EXCHANGE ACT: 1983, c. 19 (21st October, 1983).

UNIFIED FAMILY COURT ACT: R.S.O. 1980, c. 515, s. 3 (6) (1st October, 1982).

UNIFIED FAMILY COURT AMENDMENT ACT: 1982, c. 21, s. 4 (19th January, 1983); 1983, c. 86 (2nd April, 1984).

VITAL STATISTICS AMENDMENT ACT: 1986, c. 9, ss. 1 to 5, 7, 12 to 19 (1st August, 1986).

WAGES AMENDMENT ACT: 1983, c. 68 (1st March, 1984).

WORKERS' COMPENSATION AMENDMENT ACT: 1984, c. 58, ss. 1 to 6, 9 to 14, 33 to 37, 39 to 41 (1st April, 1985); 1984, c. 58, ss. 7, 8, 15 to 32 and 38 (1st October, 1985); 1985, c. 17, s. 2 (22nd January, 1986).

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## B

### ACTS AND PARTS OF ACTS NOT PROCLAIMED AS OF FEBRUARY 17th, 1987

ASSESSMENT ACT: R.S.O. 1980, c. 31, s. 24 (6), *See* s. 69.

BUSINESS CORPORATIONS ACT: 1982, c. 4, s. 151 (5).

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(CHANGE OF NAME ACT, 1986)

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CHILD AND FAMILY SERVICES ACT: 1984, c. 55, ss. 109 to 119, 124 to 126, 157 and 162 to 174.

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CONSOLIDATED HEARINGS ACT: 1981, c. 20, s. 3 (3).

CREDIT UNIONS AND CAISSES POPULAIRES AMENDMENT ACT: 1983, c. 46, ss. 16, 17, 21 and 22.

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DROIT DE LA FAMILLE, LOI SUR LE...: 1986, chap. 4, art. 71 (2).  
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ENVIRONMENTAL PROTECTION ACT: R.S.O.1980,c. 141, *See* s. 14 (3) (for repeal of s. 14 (1) and (2)).

EQUALITY RIGHTS STATUTE LAW AMENDMENT ACT: 1986,c. 64,ss. 18 (8) to (11), (15) and (16), 21 (1) to (4).

EXÉCUTION D'ORDONNANCES ALIMENTAIRES ET DE GARDE D'ENFANTS, LOI SUR L'...: 1985, chap. 6,  
art. 2 (2), (3), (4) et (6), 3 à 5, 6 (1) et (2), alinéa 6 (3) a), art. 6 (4), 7 (2), 10 (4), 11 (1) et 16 (1) et (3).  
(SUPPORT AND CUSTODY ORDERS ENFORCEMENT ACT, 1985)

FAMILY LAW ACT: 1986,c. 4,s. 71 (2).

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GAME AND FISH ACT: R.S.O.1980,c. 182,s. 93 (2).

GASOLINE HANDLING ACT: R.S.O.1980,c. 185,s. 18.

HEALTH PROTECTION AND PROMOTION ACT: 1983,c. 10, *See* s. 89 (for repeal of ss. 87 and 88).

HIGHWAY TRAFFIC ACT: R.S.O.1980,c. 198,s. 63 (1) and (2).

HIGHWAY TRAFFIC AMENDMENT ACT: 1982,c. 15,ss. 8 and 11; 1984,c. 21,s. 3 (1) and (2) and s. 16 [124 (2) and (3)].

INNKEEPERS ACT: R.S.O.1980,c. 217, *See* s. 8.

INSURANCE ACT: R.S.O.1980,c. 218,ss. 369 (1), 370 (1) to (7), 371 (1) to (4).

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MINISTRY OF THE ATTORNEY GENERAL ACT: R.S.O.1980,c. 271,s. 8 (1).

MUNICIPAL ACT: R.S.O.1980,c. 302, *See* s. 502 (for repeal of s. 230, par.152).

NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT: R.S.O.1980,c. 316, *See* s. 26 (9).

ONTARIO ENERGY BOARD ACT: R.S.O.1980,c. 332, *See* s. 1 (2); Part II (s. 45).

ONTARIO WATER RESOURCES ACT: R.S.O.1980,c. 361, *See* s. 16 (6) (for repeal of s. 16 (3) and (4)).

PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT: 1983,c. 88.

PROVINCIAL OFFENCES ACT: R.S.O.1980,c. 400,Part II.

PROVINCIAL OFFENCES AMENDMENT ACT: 1986,c. 42,ss. 3, 4, 5 and 6.

REGIONAL MUNICIPALITY OF NIAGARA ACT: R.S.O.1980,c. 438, *See* s. 31 (3) (for repeal of s. 31 (2)).

REGISTRY ACT: R.S.O.1980,c. 445, *See* s. 86 (6) (for repeal of s. 86).

RESIDENTIAL COMPLEXES FINANCING COSTS RESTRAINT ACT: 1982,c. 59, *See* s. 128 of 1986,c. 63 (for repeal of Act).

RESIDENTIAL RENT REGULATION ACT: 1986,c. 63,ss. 43, 75 (i), 83 (4) and (5), 91, 92 (1) (c), 93 and 117.

RESIDENTIAL TENANCIES ACT: R.S.O.1980,c. 452,ss. 5 to 59, 62 to 69, 74, 111 to 113, 116, 119, 135 (1) and Schedule.

SALE OF GOODS ACT: R.S.O.1980,c. 462,s. 25 (3).

SUPPORT AND CUSTODY ORDERS ENFORCEMENT ACT: 1985, c. 6, ss. 2 (2), (3), (4) and (6), 3 to 5, 6 (1) and (2),  
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(LOI DE 1985 SUR L'EXÉCUTION D'ORDONNANCES ALIMENTAIRES ET DE GARDE D'ENFANTS)

THEATRES AMENDMENT ACT: 1984,c. 56,ss. 6, 12, 15, 17, 18 and 19.

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TRAVEL INDUSTRY ACT: R.S.O.1980,c. 509,ss. 3 (3) and 14 (1), (2).

VITAL STATISTICS AMENDMENT ACT: 1986,c. 9,ss. 6, 8, 9, 10 and 11.

# TABLE OF PRIVATE ACTS

## Cumulative Supplement

From the 1st day of January, 1985 to the  
31st day of December, 1986

This is a cumulative supplement to the Table of Private Acts published in Volume 2 of the 1984 Index to the Statutes of Ontario. The cumulative supplement is arranged under the same headings as the Table that it supplements.

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	R.R.O. 1980	O.Reg.	Date of Gazette	
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amended.....		719/81	Nov. 14/81
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amended.....		270/85	June 15/85
amended.....		696/86	Dec. 13/86
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amended.....		323/86	June	21/86
amended.....		484/86	Aug.	30/86
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amended.....		104/85	Mar.	16/85
amended.....		571/85	Nov.	23/85
amended.....		93/86	Mar.	8/86
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amended.....		333/84	June	16/84
amended.....		805/84	Mar.	5/85
amended.....		229/85	June	1/85
amended.....		463/85	Sept.	28/85
amended.....		672/85	Mar.	4/86
amended.....		571/86	Oct.	11/86
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amended.....		565/83	Sept.	24/83
amended.....		332/84	June	16/84
amended.....		804/84	Mar.	5/85
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amended.....		547/85	Nov.	16/85
amended.....		514/86	Mar.	13/86
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amended.....		6/85	Jan. 26/85
amended.....		647/85	Dec. 28/85
amended.....		675/86	Dec. 13/86
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amended.....		376/81	June 20/81
amended.....		307/83	June 4/83
amended.....		572/83	Sept. 24/83
amended.....		464/84	Aug. 4/84
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amended.....		375/81	June 20/81
amended.....		308/83	June 4/83
amended.....		572/83	Sept. 24/83
amended.....		463/84	Aug. 4/84
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amended.....		271/83	May. 21/83
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amended.....		92/82	Mar.	6/82
amended.....		215/82	Apr.	24/82
amended.....		44/83	Feb.	5/83
amended.....		141/84	March	17/84
amended.....		288/85	June	22/85
.....	205			
amended.....		310/81	May	30/81
amended.....		89/82	Mar.	6/82
amended.....		45/83	Feb.	5/83
amended.....		147/84	March	17/84
amended.....		298/85	June	22/85
.....		462/84	Aug.	4/84
amended.....		294/85	June	22/85
amended.....		291/86	May	31/86
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amended.....		311/81	May	30/81
amended.....		94/82	Mar.	6/82
amended.....		630/82	Oct.	9/82
amended.....		388/83	July	9/83
amended.....		359/84	June	23/84
amended.....		511/84	Aug.	25/84
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amended.....		600/86	Oct.	25/86
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amended.....		650/85	Dec.	28/85
.....				
.....		504/82	Aug.	7/82
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.....		289/85	June	22/85
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amended.....		265/83	May	21/83
amended.....		460/84	Aug.	4/84
amended.....		304/85	June	22/85
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amended.....		286/81	May	23/81
amended.....		221/82	Apr.	24/82
amended.....		751/82	Nov.	27/82
amended.....		264/83	May	21/83
amended.....		361/84	June	23/84
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amended.....		770/81	Dec.	5/81
amended.....		794/82	Dec.	18/82
amended.....		38/83	Feb.	5/83
amended.....		794/83	Jan.	7/84
amended.....		676/86	Dec.	13/86
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amended.....		771/81	Dec.	5/81
amended.....		753/82	Nov.	27/82
amended.....		39/83	Feb.	5/83
amended.....		795/83	Jan.	7/84
amended.....		8/85	Jan.	26/85
amended.....		648/85	Dec.	28/85
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amended.....		289/81	May	23/81
amended.....		307/82	May	22/82
amended.....		273/83	May	21/83
amended.....		357/84	June	23/84
amended.....		299/85	June	22/85
amended.....		208/86	May	3/86
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amended.....		404/81	July	4/81
amended.....		95/82	Mar.	6/82
amended.....		270/83	May	21/83
amended.....		459/84	Aug.	4/84
amended.....		303/85	June	22/85
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amended.....		772/81	Dec.	5/81

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amended.....		40/83	Feb. 5/83
amended.....		797/83	Jan. 7/84
amended.....		9/85	Jan. 26/85
amended.....		649/85	Dec. 28/85
Popping Corn.....		312/81	May 30/81
amended.....		96/82	Mar. 6/82
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amended.....		269/83	May 21/83
amended.....		291/85	June 22/85
Potatoes.....		314/81	May 30/81
amended.....		97/82	Mar. 6/82
amended.....		49/83	Feb. 5/83
amended.....		142/84	Mar. 17/84
amended.....		159/86	Apr. 12/86
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amended.....		209/86	May 3/86
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amended.....		98/82	Mar. 6/82
amended.....		223/82	Apr. 24/82
amended.....		268/83	May 21/83
amended.....		510/84	Aug. 25/84
amended.....		296/85	June 22/85
.....	290		
amended.....		509/86	Sept. 13/86
.....	291		
amended.....		773/81	Dec. 5/81
amended.....		755/82	Nov. 27/82
amended.....		42/83	Feb. 5/83
amended.....		798/83	Jan. 7/84
amended.....		646/85	Dec. 28/85
.....	292		
amended.....		309/81	May 30/81
amended.....		90/82	Mar. 6/82
amended.....		46/83	Feb. 5/83
amended.....		144/84	Mar. 17/84
(revoked by 297/84)			
Spanish Onions.....		316/81	May 30/81
amended.....		222/82	Apr. 24/82
amended.....		752/82	Nov. 27/82
amended.....		267/83	May 21/83
amended.....		360/84	June 23/84
(revoked by 541/86)			
Specialty Crops.....		313/81	May 30/81
amended.....		219/82	Apr. 24/82
amended.....		266/83	May 21/83
amended.....		465/84	Aug. 4/84
amended.....		286/85	June 22/85
amended.....		204/86	May 3/86
.....			
amended.....		306/81	May 23/81



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amended.....		140/84	Mar.	17/84
amended.....		302/85	June	22/85
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amended.....		774/81	Dec.	5/81
amended.....		795/82	Dec.	18/82
amended.....		41/83	Feb.	5/83
amended.....		799/83	Jan.	7/84
amended.....		10/85	Jan.	26/85
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amended.....		290/81	May	23/81
amended.....		308/82	May	22/82
amended.....		272/83	May	21/83
amended.....		362/84	June	23/84
amended.....		207/86	May	3/86
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amended.....		291/81	May	23/81
amended.....		309/82	May	22/82
amended.....		309/83	June	4/83
amended.....		356/84	June	23/84
amended.....		292/85	June	22/85
amended.....		683/86	Dec.	13/86
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(revoked by 313/81)				
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amended.....		305/81	May	23/81
amended.....		93/82	Mar.	6/82
amended.....		216/82	Apr.	24/82
amended.....		48/83	Feb.	5/83
amended.....		139/84	March	17/84
amended.....		301/85	June	22/85
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amended.....		99/82	Mar.	6/82
amended.....		571/83	Sept.	24/83
amended.....		635/84	Oct.	27/84
amended.....		619/85	Dec.	14/85
amended.....		695/86	Dec.	13/86
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amended.....		305/83	June	4/83
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amended.....		354/84	June	23/84
amended.....		297/85	June	22/85
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amended.....		43/83	Feb.	5/83
amended.....		143/84	Mar.	17/84
amended.....		363/84	June	23/84
amended.....		290/85	June	22/85

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amended.....		621/81	Oct. 10/81
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amended.....		854/82	Jan. 15/83
amended.....		248/83	May 14/83
amended.....		151/84	Mar. 24/84
amended.....		166/84	Mar. 31/84
amended.....		393/84	July 7/84
amended.....		476/84	Aug. 18/84
amended.....		64/85	Feb. 23/85
amended.....		203/85	May 25/85
amended.....		117/86	Mar. 29/86
amended.....		373/86	July 12/86
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amended.....		166/82	Apr. 3/82
amended.....		298/83	June 4/83
amended.....		401/83	July 16/83
(revoked by 760/83)			
General.....		760/83	Dec. 17/83
amended.....		500/84	Aug. 18/84
amended.....		533/84	Sept. 1/84
amended.....		592/84	Sept. 29/84
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amended.....		50/85	Feb. 16/85
amended.....		52/85	Feb. 16/85
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amended.....		762/82	Dec. 4/82
amended.....		20/84	Jan. 28/84
amended.....		515/84	Aug. 25/84
amended.....		223/85	June 1/85
amended.....		256/85	June 8/85
amended.....		557/85	Nov. 16/85
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amended.....		242/81	May 9/81
amended.....		19/84	Jan. 28/84
amended.....		22/85	Feb. 9/85
amended.....		696/85	Jan. 11/86
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amended.....		277/82	May 8/82
amended.....		711/82	Nov. 13/82
amended.....		224/85	June 1/85
amended.....		580/85	Nov. 23/85
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amended.....		239/83	May 14/83
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amended.....		513/81	Aug. 15/81
amended.....		638/83	Oct. 15/83
amended.....		126/84	Mar. 17/84
amended.....		614/84	Oct. 13/84
amended.....		23/85	Feb. 9/85
amended.....		640/85	Dec. 28/85
amended.....		502/86	Sept. 13/86
amended.....		636/86	Nov. 15/86

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Apportionment 1981 Requisitions.....		129/81	Mar.	28/81
amended.....		414/81	July	4/81
Apportionment 1982 Requisitions.....		199/82	Apr.	17/82
Apportionment 1983 Requisitions.....		223/83	Apr.	30/83
Apportionment 1984 Requisitions.....		43/84	Feb.	11/84
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amended.....		131/85	Apr.	13/85
Calculation of Fees for Pupils.....		130/85	Apr.	13/85
amended.....		467/85	Oct.	5/85
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amended.....		595/86	Oct.	18/86
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amended.....		419/82	July	3/82
amended.....		568/82	Sept.	4/82
amended.....		74/83	Feb.	12/83
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amended.....		124/84	March	10/84
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amended.....		761/82	Dec.	4/82
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amended.....		415/83	July	16/83
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amended.....		355/85	July	13/85
amended.....		636/85	Dec.	21/85
amended.....		512/86	Sept.	13/86
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amended.....		27/84	Feb.	4/84
amended.....		231/84	Apr.	28/84
amended.....		451/84	July	28/84
amended.....		474/84	Aug.	18/84
amended.....		194/85	May	11/85
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Essex Region Conservation Authority - ESR-01.....		115/85	Mar. 23/85
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Grimsby, Corporation of the Town of - GRIM-T-1.....		258/86	May 24/86
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Halton, The Regional Municipality of - HALT-R-1.....		240/84	May 5/84
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Ingersoll, Town of, Township of South- West Oxford - ING-1.....		762/86	Jan. 17/87
Johnson, Township of - JOHN-TWP-1.....		386/86	July 12/86
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Kapuskasing, The Corporation of the Town of - MUN-TWN-KAP-1.....		367/83	July 9/83
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Kirkland Lake, The Corporation of the Town of, Community of Swastika -KIRK-T-1.....		601/84	Oct. 6/84
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- Electric Commission - MARK-T-2.....		372/86	July 12/86
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Ministry of the Environment - MOE-21.....		659/81	Oct. 17/81
- MOE-22.....		762/81	Nov. 28/81
- MOE-24.....		832/81	Jan. 2/82
- MOE-23.....		880/81	Jan. 16/82
- MOE-24/2.....		646/82	Oct. 16/82
- MOE-25.....		237/83	May 7/83
- MOE-26.....		664/83	Oct. 29/83
- MOE-27.....		179/84	Apr. 14/84

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- MOE-28.....		358/85	July 13/85
- MOE-29.....		386/85	Aug. 10/85
- MOE-30.....		632/85	Dec. 21/85
- MOE-32.....		334/86	June 28/86
- MOE-31.....		370/86	July 12/86
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- MGS-43.....		23/81	Feb. 14/81
- MGS-44.....		318/81	May 30/81
- MGS-45.....		430/81	July 11/81
- MGS-46.....		658/81	Oct. 17/81
- MGS-47.....		761/81	Nov. 28/81
- MGS-49.....		170/82	Apr. 3/82
- MGS-48.....		263/82	May 8/82
- MGS-50.....		780/82	Dec. 11/82
- MGS-51.....		781/82	Dec. 11/82
- MGS-52.....		14/83	Jan. 22/83
- MGS-53.....		366/83	July 9/83
- MGS-54.....		35/84	Feb. 11/84
- MGS-55.....		34/84	Feb. 11/84
- MGS-56.....		273/84	May 19/84
- MGS-57.....		439/84	July 28/84
- MGS-58.....		440/84	July 28/84
- MGS-59.....		441/84	July 28/84
- MGS-62.....		112/85	Mar. 23/85
- MGS-61.....		113/85	Mar. 23/85
- MGS-66.....		448/85	Sept. 21/85
- MGS-65.....		471/85	Oct. 5/85
- MGS-67.....		125/86	Mar. 29/86
- MGS-64.....		257/86	May 24/86
- MGS-68.....		371/86	July 12/86
- MGS-63.....		385/86	July 12/86

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- MGS-71.....		493/86	Sept. 6/86
- MGS-70.....		495/86	Sept. 6/86
- MGS-72.....		624/86	Nov. 15/86
- MGS-73.....		659/86	Nov. 22/86
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- MNR-33.....		164/81	Apr. 4/81
- MNR-11/3.....		284/81	May 23/81
- MNR-17/2.....		347/81	June 6/81
- MNR-35.....		373/81	June 20/81
- MNR-19/3.....		431/81	July 11/81
- MNR-34.....		433/81	July 11/81
- MNR-32/2.....		653/81	Oct. 17/81
- MNR-36.....		710/81	Nov. 7/81
- MNR-31/2.....		882/81	Jan. 16/82
- MNR-19/4.....		883/81	Jan. 16/82
- MNR-37.....		194/82	Apr. 17/82
- MNR-11/4.....		261/82	May 8/82
- MNR-30/2.....		264/82	May 8/82
- MNR-39..... (revoked by 320/83)		467/82	July 24/82
- MNR-38.....		614/82	Oct. 2/82
- MNR-40.....		681/82	Oct. 30/82
- MNR-35/2.....		10/83	Jan. 22/83
- MNR-19/5.....		11/83	Jan. 22/83
- MNR-41.....		12/83	Jan. 22/83
- MNR-11/5.....		13/83	Jan. 22/83
- MNR-39/2.....		320/83	June 11/83
- MNR-30/3.....		348/83	June 25/83
- MNR-43.....		364/83	July 9/83
- MNR-11/6.....		417/83	July 16/83
- MNR-28/2.....		654/83	Oct. 29/83
- MNR-26/2.....		655/83	Oct. 29/83

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- MNR-29/2.....		656/83	Oct. 29/83
- MNR-30/4.....		723/83	Dec. 3/83
- MNR-11/7.....		2/84	Jan. 21/84
- MNR-26/3.....		221/84	Apr. 28/84
- MNR-46.....		226/84	Apr. 28/84
- MNR-47.....		338/84	June 16/84
- MNR-11/8.....		442/84	July 21/84
- MNR-26/4.....		444/84	July 28/84
- MNR-50.....		536/84	Sept. 1/84
- MNR-49.....		613/84	Oct. 13/84
- MNR-39/3.....		660/84	Nov. 3/84
- MNR-30/5.....		710/84	Nov. 17/84
- MNR-35/3.....		711/84	Nov. 17/84
- MNR-11/9.....		2/85	Jan. 26/85
- MNR-44.....		3/85	Jan. 26/85
- MNR-42.....		109/85	Mar. 23/85
- MNR-39/4.....		470/85	Oct. 5/85
- MNR-30/6.....		576/85	Nov. 23/85
- MNR-39/5.....		193/86	Apr. 26/86
- MNR-30/7.....		657/86	Nov. 22/86
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- MTC-37.....		115/81	Mar. 14/81
- MTC-38.....		191/81	Apr. 18/81
- MTC-39.....		240/81	May 16/81
- MTC-40.....		406/81	July 4/81
- MTC-42.....		465/81	July 25/81
- MTC-43.....		600/81	Oct. 17/81
- MTC-44.....		600/81	Oct. 17/81
- MTC-44.....		660/81	Oct. 17/81
- MTC-45.....		735/81	Nov. 21/81
- MTC-46.....		735/81	Nov. 21/81



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- MTC-46.....		737/81	Nov. 21/81
- MTC-48.....		739/81	Nov. 21/81
- MTC-50.....		16/83	Jan. 22/83
- MTC-51.....		148/83	Apr. 2/83
- MTC-52.....		707/83	Nov. 19/83
- MTC-53.....		809/83	Jan. 14/84
- MTC-55.....		110/85	Mar. 23/85
- MTC-54.....		168/85	Apr. 20/85
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- MARN-TP-1.....		658/86	Nov. 22/86
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- MISS-C-1.....		32/84	Feb. 4/84
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- MUNI-1/2.....		333/86	June 28/86
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- NEPE-C-1.....		111/85	Mar. 23/85
- NEPE-C-2.....		577/85	Nov. 23/85
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- NIAG-RG-1.....		496/86	Sept. 6/86
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- OEC-2/2.....		656/81	Oct. 17/81
- OEC-5.....		884/81	Jan. 16/82
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- OH-23/2.....		875/81	Jan. 16/82
- OH-25.....		169/82	Apr. 3/82
- OH-26.....		539/82	Aug. 21/82
- OH-26/2.....		682/82	Oct. 30/82
- OH-27.....		2/83	Jan. 22/83
- OH-28.....		342/83	June 25/83
- OH-29.....		319/84	June 9/84
- OH-30.....		320/84	June 9/84
- OH-31.....		747/84	Dec. 8/84
- OH-32.....		359/85	July 13/85

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- OH-13'2.....		578/85	Nov. 23/85
- OH-30/2.....		664/85	Jan. 4/86
- OH-29/2.....		665/85	Jan. 4/86
- OH-33.....		17/86	Feb. 1/86
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- MUNI-1.....	300/84	May	26/84
- MUNI-2.....	114/85	Mar.	23/85
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- MNA-4.....	285/81	May	23/81
- MNA-5.....	106/82	Mar.	13/82
- MNA-6.....	107/82	Mar.	13/82
- MNA-7.....	54/83	Feb.	5/83
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- OOSH-1.....	163/81	Apr.	4/81
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- OWEN-C-1.....	680/82	Oct.	30/82
Owens, Williamson and Idington, Township of			
- OWEN-TF-1.....	365/83	July	9/83
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- OXFC-CT-1.....	410/82	July	3/82
- OXFC-CT-1.....	443/84	July	28/84
Port Hope, The Corporation of the Town of			
- PHOP-T-1.....	788/81	Dec.	5/81
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- RUTH-1.....	44/86	Feb.	15/86
St. Clair College of Applied Arts and Technology - MUNI.....	19/81	Feb.	7/81
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- SLSC-1.....	379/81	June	20/81
- SLSC-1.....	341/83	June	25/83
- SLSC-1.....	340/83	June	25/83
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- SYDH-TF-1.....	600/84	Oct.	6/84
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- TOR-2/1.....		647/82	Oct. 16/82
- TOR-3.....		15/83	Jan. 22/83
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amended.....		515/82	Aug. 14/82
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amended.....		721/81	Nov. 14/81
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amended.....		121/82	Mar. 20/82
amended.....		314/82	May 22/82
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amended.....		459/82	July 17/82
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amended.....		654/82	Oct. 16/82
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amended.....		690/83	Nov. 12/83
amended.....		714/83	Nov. 19/83
amended.....		734/83	Jan. 7/84
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amended.....		657/85	Jan. 4/86
amended.....		190/86	Apr. 26/86
amended.....		510/86	Sept. 13/86
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amended.....		596/83	Oct. 15/83
amended.....		750/83	Dec. 17/83
amended.....		793/83	Jan. 7/84
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amended.....		587/86	Oct. 18/86
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amended.....		748/83	Dec. 17/83
amended.....		792/83	Jan. 7/84
amended.....		558/84	Sept. 8/84
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<b>FOREST FIRES PREVENTION ACT</b>			
Fire Prevention.....	396		
amended.....		207/84	Apr. 28/84
amended.....		13/86	Feb. 1/86
Restricted Fire Zone.....		283/81	May 23/81
(expired)			
Restricted Fire Zone.....		348/81	June 6/81
revoked.....		353/81	June 13/81
Restricted Fire Zone.....		469/81	Aug. 1/81
(expired)			
Restricted Fire Zone.....		514/81	Aug. 15/81
revoked.....		524/81	Aug. 22/81
Restricted Fire Zone.....		523/81	Aug. 22/81
(expired)			
Restricted Fire Zone.....		287/82	May 15/82
(expired)			
Restricted Fire Zone.....		227/83	May 7/83
(expired)			
Restricted Fire Zone.....		397/83	July 9/83
(revoked by 409/83)			
Restricted Fire Zone.....		398/83	July 9/83
revoked.....		409/83	July 16/83
Restricted Fire Zone.....		317/84	June 2/84
(expired)			
Restricted Fire Zone.....		567/84	Sept. 15/84
(expired)			
Restricted Fire Zone.....		572/84	Sept. 29/84
(expired)			

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Restricted Fire Zone..... (expired)		178/85	May	4/85
Restricted Fire Zone..... (expired)		304/86	June	7/86
Restricted Fire Zone..... (expired)		305/86	June	7/86
Restricted Fire Zone.....		306/86	June	7/86
Restricted Fire Zone..... (expired)		308/86	June	14/86
Restricted Fire Zone..... (expired)		309/86	June	14/86
Restricted Fire Zone..... (expired)		310/86	June	14/86
Restricted Fire Zone..... (expired)		311/86	June	14/86
Restricted Fire Zone.....		314/86	June	14/86
revoked.....		321/86	June	21/86
Restricted Fire Zone..... (expired)		315/86	June	14/86
Restricted Fire Zone.....		316/86	June	14/86
revoked.....		321/86	June	21/86
Restricted Fire Zone.....		317/86	June	14/86
revoked.....		321/86	June	21/86
Restricted Fire Zone..... (expired)		326/86	June	28/86
Restricted Fire Zone..... (expired)		329/86	June	28/86
Restricted Fire Zone..... (expired)		363/86	July	5/86
<b>FORESTRY ACT</b>				
Nurseries.....	397			
amended.....		30/83	Feb.	5/83
amended.....		514/84	Aug.	25/84
amended.....		466/86	Aug.	23/86
<b>FRESHWATER FISH MARKETING ACT (ONTARIO)</b>				
General.....	398			
amended.....		777/81	Dec.	5/81
<b>FUEL TAX ACT, 1981</b>				
General.....		772/82	Dec.	11/82
amended.....		140/83	Mar.	26/83

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amended.....		381/83	July 9/83
amended.....		387/83	July 9/83
amended.....		267/84	May 12/84
amended.....		602/84	Oct. 6/84
amended.....		775/84	Dec. 22/84
amended.....		185/85	May 11/85
amended.....		243/85	June 8/85
amended.....		104/86	Mar. 15/86
amended.....		546/86	Sept. 20/86
General.....		778/82	Dec. 11/82
amended.....		426/83	July 16/83
amended.....		510/83	Aug. 27/83
amended.....		604/83	Oct. 15/83
amended.....		643/83	Oct. 29/83
amended.....		266/84	May 12/84
amended.....		255/85	June 8/85
amended.....		448/86	Aug. 16/86
Grants for Farm Fuel Storage Tanks.....		689/82	Oct. 30/82
Grants for Fuel Storage and Transportation Tanks and Other Facilities.....		225/82	May 1/82
amended.....		771/82	Dec. 11/82
Taxable Price and Tax Payable on Fuel to Propel Motor Vehicles and Railway Equipment.....		579/82	Sept. 11/82
amended.....		638/82	Oct. 16/82
amended.....		843/82	Jan. 8/83
amended.....		187/83	Apr. 16/83
amended.....		411/83	July 16/83
amended.....		631/83	Oct. 15/83
amended.....		805/83	Jan. 14/84
amended.....		180/84	Apr. 14/84
amended.....		414/84	July 14/84
revoked.....		296/86	June 7/86
FUNERAL SERVICES ACT			
General.....	399		
amended.....		558/81	Sept. 5/81
amended.....		560/83	Sept. 17/83
amended.....		675/83	Nov. 5/83
amended.....		362/86	July 5/86
FUR FARMS ACT			
amended.....		321/81	May 30/81
G			
GAME AND FISH ACT			
Amphibians.....		470/81	Aug. 1/81

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Animals Declared to be Fur-Bearing			
Animals.....	401		
amended.....		692/81	Nov. 7/81
Aylmer Hunting Area.....		29/81	Feb. 14/81
Aylmer Lagoon Hunting Area.....	402		
Bag Limit for Black Bear.....	403		
Beaver Meadow Hunting Area.....		477/85	Oct. 5/85
Bobwhite Quail, Wild Turkey and Pheasant - Propagation and Sales.....	404		
amended.....		446/81	July 18/81
amended.....		517/86	Sept. 20/86
(revoked by 578/86)			
Bows and Arrows.....	405		
Bullfrogs.....	406		
amended.....		565/81	Sept. 12/81
(revoked by 694/81)			
Bullfrogs.....		694/81	Nov. 7/81
amended.....		522/86	Sept. 20/86
Caltor Swamp Hunting Area.....		30/81	Feb. 14/81
Canden Lake Hunting Area.....	407		
Copeland Forest Hunting Area.....	408		
(revoked by 693/81)			
Copeland Forest Hunting Area.....		693/81	Nov. 7/81
amended.....		563/83	Sept. 24/83
Crown Game Preserves.....	409		
amended.....		27/82	Feb. 13/82
amended.....		517/85	Nov. 2/85
Discharge of Fire-Arms From or Across Highways and Roads.....	410		
amended.....		113/81	Mar. 14/81
amended.....		388/81	June 27/81
Discharge of Fire-Arms on Sunday.....	411		
Fingal Hunting Area.....		28/81	Feb. 14/81
Fire-Arms - Aulneau Peninsula.....	412		
amended.....		428/82	July 3/82
amended.....		523/86	Sept. 20/86
Fishing Huts.....	413		
amended.....		753/81	Nov. 28/81
amended.....		24/82	Feb. 13/82
amended.....		380/85	Aug. 10/85
amended.....		71/86	Mar. 1/86
amended.....		574/86	Oct. 11/86

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Fishing Licences	414		
amended.....		218/81	Apr. 25/81
amended.....		647/81	Oct. 17/82
amended.....		835/81	Jan. 2/82
amended.....		629/82	Oct. 9/82
amended.....		645/83	Oct. 29/83
amended.....		41/84	Feb. 11/84
amended.....		254/84	May 12/84
amended.....		756/84	Dec. 15/84
amended.....		15/85	Feb. 9/85
(revoked by 526/86)			
Fishing Licences.....		526/86	Sept. 20/86
Fur	415		
amended.....		154/81	Apr. 4/81
amended.....		857/81	Jan. 9/82
amended.....		203/82	Apr. 24/82
amended.....		627/82	Oct. 9/82
amended.....		621/83	Oct. 15/83
amended.....		700/84	Nov. 17/84
amended.....		701/84	Nov. 17/84
amended.....		4/85	Jan. 26/85
amended.....		519/85	Nov. 2/85
amended.....		521/85	Nov. 2/85
amended.....		518/86	Sept. 20/86
amended.....		598/86	Oct. 18/86
Fur Harvest, Fur Management and Preservation of Fur.....		154/82	Apr. 3/82
Game Bird Hunting Preserves.....	416		
amended.....		447/81	July 18/84
Game Birds-Captivity, Propagation or Sale.....		578/86	Oct. 11/86
amended.....		673/86	Dec. 6/86
Game	417		
amended.....		500/81	Aug. 15/81
Game Bird Hunting Areas.....		26/81	Feb. 14/81
amended.....		124/82	Mar. 20/82
amended.....		497/82	Aug. 7/82
amended.....		128/83	Mar. 26/83
Game Bird Hunting Areas.....		628/82	Oct. 9/82
amended.....		594/83	Oct. 15/83
amended.....		547/84	Sept. 8/84
Game Bird Hunting Areas.....	418		
amended.....		125/82	Mar. 20/82
amended.....		130/83	Mar. 26/83
amended.....		220/85	June 1/85
Game Bird Hunting Areas.....		476/85	Oct. 5/85
Hunting Licences.....	420		
amended.....		217/81	Apr. 25/81

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amended.....		502/81	Aug. 15/81
amended.....		187/82	Apr. 10/82
amended.....		397/82	June 26/82
amended.....		499/82	Aug. 7/82
amended.....		683/82	Oct. 30/82
amended.....		127/83	Mar. 26/83
amended.....		138/83	Mar. 26/83
amended.....		155/83	Apr. 2/83
amended.....		376/83	July 9/83
amended.....		492/83	Aug. 20/83
amended.....		184/84	Apr. 14/84
amended.....		185/84	Apr. 14/84
amended.....		186/84	Apr. 14/84
amended.....		699/84	Nov. 17/84
amended.....		781/84	Dec. 29/84
amended.....		219/85	June 1/85
amended.....		221/85	June 1/85
amended.....		624/85	Dec. 14/85
amended.....		84/86	Mar. 8/86
amended.....		335/86	June 28/86
amended.....		519/86	Sept. 20/86
amended.....		520/86	Sept. 20/86
amended.....		524/86	Sept. 20/86
amended.....		525/86	Sept. 20/86
amended.....		688/86	Dec. 13/86
Hunting on Crown Lands in the Geographic Townships of Bruton and Clyde.....	421		
amended.....		247/83	May 14/83
Hunting on Designated Crown Land and in Provincial Parks.....			
amended.....		127/82	Mar. 20/82
amended.....		347/83	June 25/83
amended.....		681/83	Nov. 12/83
amended.....		323/84	June 9/84
amended.....		411/84	July 14/84
amended.....		624/84	Oct. 20/84
amended.....		44/85	Feb. 16/85
amended.....		83/85	Mar. 9/85
amended.....		280/85	June 15/85
amended.....		516/85	Nov. 2/85
amended.....		10/86	Feb. 1/86
amended.....		398/86	July 19/86
amended.....		521/86	Sept. 20/86
amended.....		565/86	Oct. 11/86
Lake St. Lawrence Hunting Area.....	423		
Licence to Chase Raccoon at Night and Fox, Coyote or Wolf During the Day.....		233/82	May 1/82
Licence to Possess Nets.....	424		
Luther Marsh Hunting Area.....	425		
Nashville Tract Hunting Area.....		487/86	Aug. 30/86
Navy Island Hunting Area.....		447/81	Oct. 17/81
amended.....		156/83	Apr. 2/83



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Opasatika Hunting Area.....		27/81	Feb. 14/81
amended.....		126/82	Mar. 20/82
amended.....		496/82	Aug. 7/82
revoked.....		129/83	Mar. 26/83
Open Seasons -			
Black Bear.....	426		
amended.....		339/82	June 12/82
amended.....		493/83	Aug. 20/83
amended.....		327/85	July 6/85
amended.....		118/86	Mar. 29/86
Fur Bearing Animals.....	427		
amended.....		671/81	Oct. 24/81
amended.....		146/83	Apr. 2/83
amended.....		306/83	June 4/83
amended.....		308/84	June 2/84
amended.....		381/85	Aug. 10/85
Game Birds.....		501/81	Aug. 15/81
amended.....		156/82	Apr. 3/82
amended.....		192/83	Apr. 16/83
amended.....		508/84	Aug. 25/84
amended.....		782/84	Dec. 29/84
amended.....		218/85	June 1/85
amended.....		328/85	July 6/85
amended.....		687/86	Dec. 13/86
Moose.....	428		
amended.....		471/81	Aug. 1/81
amended.....		591/81	Sept. 19/81
amended.....		644/81	Oct. 17/81
amended.....		157/82	Apr. 3/82
amended.....		297/82	May 22/82
amended.....		498/82	Aug. 7/82
amended.....		684/82	Oct. 30/82
amended.....		137/83	Mar. 26/83
amended.....		219/83	Apr. 30/83
amended.....		331/83	June 18/83
amended.....		494/83	Aug. 20/83
amended.....		229/84	Apr. 28/84
amended.....		507/84	Aug. 25/84
amended.....		14/85	Feb. 9/85
amended.....		217/85	June 1/85
amended.....		326/85	July 6/85
amended.....		83/86	Mar. 8/86
amended.....		336/86	June 28/86
amended.....		486/86	Aug. 30/86
amended.....		516/86	Sept. 20/86
Rabbits and Squirrels.....		421/81	July 11/81
amended.....		171/82	Apr. 3/82
amended.....		150/83	Apr. 2/83
amended.....		213/85	June 1/85
amended.....		321/85	June 29/85
Orangeville Reservoir Hunting Area	429		
amended.....		595/83	Oct. 15/83
Permit to Export Game.....	430		

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Petroglyphs Provincial Park Hunting Area.....		646/81	Oct. 17/81
Polar Bears.....	431		
Possession and Use of Fire-Arms in Darlington Provincial Park.....	432		
revoked.....		11/86	Feb. 1/86
Reporting and Registering Possession of Certain Game.....		217/86	May 10/86
Reptiles.....		397/84	July 7/84
Sale of Bass and Trout and Fishing Preserve.....	433		
amended.....		751/84	Dec. 15/84
Snares.....		156/81	Apr. 4/81
amended.....		477/81	Oct. 11/86
Stag Island Hunting Area.....	434		
Tiny March Hunting Area.....	435		
amended.....		390/82	Nov. 2/85
amended.....		399/86	July 19/86
Trip-Line Areas.....	436		
amended.....		218/81	June 12/82
amended.....		475/84	Aug. 18/84
Traps.....		673/82	Oct. 23/82
amended.....		377/83	July 9/83
amended.....		515/85	Jan. 26/85
amended.....		329/85	July 6/85
Traps - Order under Subsection 30(4) of the Act.....		155/81	Apr. 4/81
Waters Set Apart - Frogs.....	437		
Wildlife Management Units.....		155/82	Apr. 3/82
amended.....		685/82	Oct. 30/82
amended.....		503/84	Aug. 25/84
amended.....		325/85	July 6/85
amended.....		515/85	Nov. 2/85
amended.....		337/86	June 28/86
amended.....		488/86	Aug. 30/86
Wolves and Black Bears in Captivity.....	438		
<b>GASOLINE HANDLING ACT</b>			
Gasoline Handling Code.....	439		
amended.....		136/81	March 28/81
amended.....		436/82	July 10/82
amended.....		561/83	Sept. 17/83
<b>GASOLINE TAX ACT</b>			
General.....	440		
amended.....		179/81	Apr. 11/81

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amended.....		547/81	Sept. 5/81
amended.....		626/81	Oct. 10/81
amended.....		37/82	Feb. 13/82
amended.....		246/82	May 1/82
amended.....		269/82	May 8/82
amended.....		386/83	July 9/83
amended.....		509/83	July 27/83
amended.....		603/83	Oct. 15/83
amended.....		648/84	Oct. 27/84
amended.....		254/85	June 8/85
amended.....		542/86	Sept. 20/86
amended.....		685/86	Dec. 13/86
General.....		648/86	Nov. 15/86
Taxable Prices and Tax on Gasoline and Aviation Fuel.....		441/81	July 11/81
amended.....		631/81	Oct. 10/81
amended.....		872/81	Jan. 16/82
amended.....		184/82	Apr. 10/82
amended.....		449/82	July 17/82
amended.....		639/82	Oct. 16/82
amended.....		842/82	Jan. 8/83
amended.....		186/83	Apr. 16/83
amended.....		412/83	July 16/83
amended.....		632/83	Oct. 15/83
amended.....		806/83	Jan. 14/84
amended.....		181/84	Apr. 14/84
amended.....		415/84	July 14/84
(revoked by 648/86)			
<b>GENERAL SESSIONS ACT</b> (See now Courts of Justice Act, 1984)			
Sittings of the General Sessions of the Peace for the Judicial District of Haldimand.....		11/81	Jan. 31/81
(expired)			
Sittings of the General Sessions of the Peace for the County of Peterborough.....		340/81	June 6/81
(expired)			
Sittings of the General Sessions of the Peace for the Judicial District of Peel.....		341/81	June 6/81
(expired)			
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario.....		853/81	Jan. 9/82
(expired)			
Sittings of the General Sessions of the Peace for the District of Muskoka.....		385/82	June 19/82
(expired)			
Sittings of the General Sessions of the Peace for the Judicial District of Peel.....		386/82	June 19/82
(expired)			

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Sittings of the General Sessions of the Peace for the County of Peterborough..... (expired)		423/82	July 3/82
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario..... (expired)		828/82	Jan. 8/83
Sittings of the General Sessions of the Peace for the Judicial District of Hamilton-Wentworth..... (expired)		27/83	Jan. 29/83
Sittings of the General Sessions of the Peace for the District of Kenora..... (expired)		174/83	Apr. 16/83
Sittings of the General Sessions of the Peace for the Judicial District of York..... (expired)		338/83	June 25/83
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		339/83	June 25/83
Sittings of the General Sessions of the Peace for the District of Parry Sound..... (expired)		433/83	July 23/83
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		434/83	July 23/83
Sittings of the General Sessions of the Peace for the Districts and Counties of Ontario..... (expired)		764/83	Dec. 24/83
Sittings of the General Sessions of the Peace for the Counties of Peterborough, Prescott and Russell, Lambton and Wellington..... (expired)		16/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		17/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		373/84	June 30/84
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		678/84	Nov. 10/84
<b>GENERAL WELFARE ASSISTANCE ACT</b>			
Civil Legal Aid.....		829/82	Jan. 8/83

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441			
amended.....		48/81	Feb. 21/81
amended.....		186/81	Apr. 11/81
amended.....		270/81	May 16/81
amended.....		480/81	Aug. 1/81
amended.....		697/81	Nov. 7/81
amended.....		722/81	Nov. 14/81
amended.....		68/82	Feb. 20/82
amended.....		312/82	May 22/82
amended.....		456/82	July 17/82
amended.....		548/82	Aug. 21/82
amended.....		655/82	Oct. 16/82
amended.....		656/82	Oct. 16/82
amended.....		722/82	Nov. 13/82
amended.....		728/82	Nov. 13/82
amended.....		786/82	Dec. 18/82
amended.....		69/83	Feb. 12/83
amended.....		277/83	May 21/83
amended.....		361/83	July 9/83
amended.....		463/83	Aug. 6/83
amended.....		559/83	Sept. 17/83
amended.....		649/83	Oct. 29/83
amended.....		657/83	Oct. 29/83
amended.....		691/83	Nov. 12/83
amended.....		698/83	Nov. 19/83
amended.....		785/83	Jan. 7/84
amended.....		62/84	Feb. 18/84
amended.....		214/84	Apr. 28/84
amended.....		309/84	June 2/84
amended.....		402/84	July 14/84
amended.....		495/84	Aug. 18/84
amended.....		703/84	Nov. 17/84
amended.....		708/84	Nov. 17/84
amended.....		823/84	Jan. 19/85
amended.....		824/84	Jan. 19/85
amended.....		26/85	Feb. 9/85
amended.....		137/85	Apr. 20/85
amended.....		210/85	May 25/85
amended.....		399/85	Aug. 17/85
amended.....		552/85	Nov. 16/85
amended.....		677/85	Jan. 4/86
amended.....		46/86	Feb. 15/86
amended.....		139/86	Apr. 5/86
amended.....		244/86	May 17/86
amended.....		395/86	July 12/86
amended.....		441/86	Aug. 16/86
amended.....		503/86	Sept. 13/86
amended.....		639/86	Nov. 15/86
amended.....		640/86	Nov. 15/86
amended.....		681/86	Dec. 13/86
amended.....		741/86	Jan. 3/87
amended.....		743/86	Jan. 3/87
amended.....		122/82	Mar. 20/82
amended.....		572/82	Sept. 11/82
amended.....		822/84	Jan. 19/85
amended.....		352/85	July 6/85
amended.....		564/86	Oct. 11/86

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<b>GRAIN CORN MARKETING ACT, 1984</b>			
Licence Fees.....		559/84	Sept. 8/84
<b>GRAIN ELEVATOR STORAGE ACT</b> (See now <u>Grain Elevator Storage Act, 1983</u> )			
General..... (revoked by 420/84)	443		
<b>GRAIN ELEVATOR STORAGE ACT, 1983</b>			
General.....		420/84	July 14/84
<b>GUARANTEE COMPANIES SECURITIES ACT</b>			
Approved Guarantee Companies.....	444		
amended.....		21/81	Feb. 14/81
amended.....		106/81	Mar. 14/81
amended.....		107/81	Mar. 14/81
amended.....		568/81	Sept. 12/81
amended.....		759/81	Nov. 28/81
amended.....		562/83	Sept. 17/83
amended.....		125/84	Mar. 17/84
amended.....		93/85	Mar. 9/85
amended.....		230/85	June 1/85
amended.....		404/85	Aug. 24/85
amended.....		536/85	Nov. 9/85
H			
<b>HEALING ARTS RADIATION PROTECTION ACT</b>			
Hospitals Prescribed For The Installation and Operation of Computerized Axial Tomography Scanners.....		344/84	June 16/84
amended.....		237/86	May 17/86
amended.....		557/86	Oct. 4/86
X-Ray Safety Code.....		45/84	Feb. 11/84
amended.....		511/85	Oct. 26/85
<b>HEALTH CARE ACCESSIBILITY ACT, 1986</b>			
Administrative Charge.....		703/86	Dec. 20/86
<b>HEALTH DISCIPLINES ACT</b>			
Child Resistant Packages.....	445		
Dental Hygienists.....	446		
amended.....		681/84	Nov. 10/84
amended.....		705/86	Dec. 20/86
Dentistry.....	447		
amended.....		71/81	Mar. 7/81
amended.....		194/81	Apr. 18/81

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amended.....		504/81	Aug. 15/81
amended.....		720/83	Dec. 3/83
amended.....		682/84	Nov. 10/84
amended.....		581/85	Nov. 23/85
amended.....		379/86	July 12/86
amended.....		637/86	Nov. 15/86
Medicine.....	448		
amended.....		205/82	Apr. 24/82
amended.....		823/82	Jan. 1/83
amended.....		851/82	Jan. 15/83
amended.....		112/83	Mar. 19/83
amended.....		192/84	Apr. 14/84
amended.....		344/85	July 6/85
Nursing.....	449		
amended.....		506/81	Aug. 15/81
amended.....		665/81	Oct. 24/81
amended.....		355/82	June 12/82
amended.....		588/83	Oct. 1/83
amended.....		144/85	Apr. 20/85
amended.....		556/86	Oct. 4/86
Optometry.....	450		
amended.....		478/82	July 31/82
Paracost C.D.I.....		18/81	Feb. 7/81
amended.....		44/81	Feb. 21/81
amended.....		210/81	Apr. 25/81
(revoked by 413/81)			
Paracost C.D.I.....		413/81	July 4/81
amended.....		640/81	Oct. 17/81
(revoked by 829/81)			
Paracost C.D.I.....		829/81	Dec. 26/81
(revoked by 425/82)			
Paracost C.D.I.....		425/82	July 3/82
amended.....		613/82	Sept. 25/82
(revoked by 836/82)			
Paracost C.D.I.....		836/82	Jan. 8/83
amended.....		103/83	Mar. 12/83
(revoked by 427/83)			
Paracost C.D.I.....		427/83	July 16/83
(revoked by 107/84)			
Paracost C.D.I.....		107/84	Mar. 3/84
amended.....		172/84	Apr. 7/84
(revoked by 421/84)			
Paracost C.D.I.....		421/84	July 14/84
(revoked by 839/84)			
Paracost C.D.I.....		839/84	Jan. 19/85
amended.....		63/85	Feb. 23/85
amended.....		224/86	May 10/86
(revoked by 690/86)			



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Pharmacy.....	451		
amended.....		505/81	Aug. 15/81
amended.....		356/82	June 12/82
amended.....		835/82	Jan. 8/83
amended.....		422/84	July 14/84
amended.....		817/84	Jan. 19/85
amended.....		671/86	Dec. 6/86
amended.....		719/86	Dec. 27/86
HEALTH INSURANCE ACT			
General.....	452		
amended.....		36/81	Feb. 14/81
amended.....		37/81	Feb. 14/81
amended.....		38/81	Feb. 14/81
amended.....		61/81	Feb. 28/81
amended.....		120/81	Mar. 21/81
amended.....		121/81	Mar. 21/81
amended.....		122/81	Mar. 21/81
amended.....		139/81	Mar. 28/81
amended.....		168/81	Apr. 11/81
amended.....		231/81	May 2/81
amended.....		232/81	May 2/81
amended.....		253/81	May 16/81
amended.....		254/81	May 16/81
amended.....		298/81	May 23/81
amended.....		331/81	June 6/81
amended.....		332/81	June 6/81
amended.....		363/81	June 20/81
amended.....		395/81	June 27/81
amended.....		423/81	July 11/81
amended.....		459/81	July 25/81
amended.....		478/81	Aug. 1/81
amended.....		479/81	Aug. 1/81
amended.....		525/81	Aug. 22/81
amended.....		576/81	Sept. 12/81
amended.....		581/81	Sept. 12/81
amended.....		642/81	Oct. 17/81
amended.....		685/81	Oct. 31/81
amended.....		742/81	Nov. 21/81
amended.....		743/81	Nov. 21/81
amended.....		751/81	Nov. 28/81
amended.....		794/81	Dec. 12/81
amended.....		810/81	Dec. 19/81
amended.....		12/82	Jan. 30/82
amended.....		53/82	Feb. 20/82
amended.....		82/82	Mar. 6/82
amended.....		83/82	Mar. 6/82
amended.....		235/82	May 1/82
amended.....		256/82	May 1/82
amended.....		260/82	May 8/82
amended.....		293/82	May 22/82
amended.....		294/82	May 22/82
amended.....		295/82	May 22/82
amended.....		335/82	June 5/82
amended.....		336/82	June 12/82
amended.....		337/82	June 12/82
amended.....		393/82	June 26/82
amended.....		412/82	July 3/82
amended.....		430/82	July 10/82

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amended.....	431/82	July	10/82
amended.....	489/82	Aug.	7/82
amended.....	527/82	Aug.	21/82
amended.....	528/82	Aug.	21/82
amended.....	529/82	Aug.	21/82
amended.....	564/82	Sept.	4/82
amended.....	609/82	Sept.	25/82
amended.....	633/82	Oct.	9/82
amended.....	716/82	Nov.	13/82
amended.....	717/82	Nov.	13/82
amended.....	733/82	Nov.	20/82
amended.....	833/82	Jan.	8/83
amended.....	834/82	Jan.	8/83
amended.....	77/83	Feb.	19/83
amended.....	94/83	Feb.	26/83
amended.....	122/83	Mar.	26/83
amended.....	161/83	Apr.	9/83
amended.....	197/83	Apr.	16/83
amended.....	233/83	May	7/83
amended.....	242/83	May	14/83
amended.....	259/83	May	21/83
amended.....	281/83	May	28/83
amended.....	282/83	May	28/83
amended.....	285/83	May	28/83
amended.....	368/83	July	9/83
amended.....	458/83	Aug.	6/83
amended.....	460/83	Aug.	6/83
amended.....	497/83	Aug.	27/83
amended.....	540/83	Sept.	10/83
amended.....	651/83	Oct.	29/83
amended.....	704/83	Nov.	19/83
amended.....	721/83	Dec.	3/83
amended.....	789/83	Jan.	7/84
amended.....	808/83	Jan.	14/84
amended.....	3/84	Jan.	21/84
amended.....	33/84	Feb.	11/84
amended.....	53/84	Feb.	18/84
amended.....	56/84	Feb.	18/84
amended.....	93/84	Mar.	3/84
amended.....	168/84	Mar.	31/84
amended.....	209/84	Apr.	28/84
amended.....	288/84	May	19/84
amended.....	290/84	May	19/84
amended.....	351/84	June	23/84
amended.....	386/84	July	7/84
amended.....	387/84	July	7/84
amended.....	388/84	July	7/84
amended.....	389/84	July	7/84
amended.....	390/84	July	7/84
amended.....	391/84	July	7/84
amended.....	478/84	Aug.	18/84
amended.....	479/84	Aug.	18/84
amended.....	480/84	Aug.	18/84
amended.....	518/84	Sept.	1/84
amended.....	548/84	Sept.	8/84
amended.....	610/84	Oct.	13/84
amended.....	611/84	Oct.	13/84
amended.....	615/84	Oct.	20/84
amended.....	637/84	Oct.	27/84
amended.....	638/84	Oct.	27/84

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amended.....		662/84	Nov. 10/84
amended.....		663/84	Nov. 10/84
amended.....		717/84	Nov. 24/84
amended.....		751/84	Dec. 15/84
amended.....		752/84	Dec. 15/84
amended.....		799/84	Jan. 5/85
amended.....		826/84	Jan. 19/85
amended.....		827/84	Jan. 19/85
amended.....		828/84	Jan. 19/85
amended.....		829/84	Jan. 19/85
amended.....		18/85	Feb. 9/85
amended.....		19/85	Feb. 9/85
amended.....		20/85	Feb. 9/85
amended.....		60/85	Feb. 23/85
amended.....		145/85	Apr. 20/85
amended.....		206/85	May 25/85
amended.....		226/85	June 1/85
amended.....		274/85	June 15/85
amended.....		330/85	July 6/85
amended.....		345/85	July 6/85
amended.....		346/85	July 6/85
amended.....		347/85	July 6/85
amended.....		348/85	July 6/85
amended.....		408/85	Aug. 24/85
amended.....		515/85	Nov. 2/85
amended.....		535/85	Nov. 9/85
amended.....		565/85	Nov. 23/85
amended.....		697/85	Jan. 11/86
amended.....		18/86	Feb. 1/86
amended.....		19/86	Feb. 1/86
amended.....		20/86	Feb. 1/86
amended.....		32/86	Feb. 8/86
amended.....		33/86	Feb. 8/86
amended.....		41/86	Feb. 15/86
amended.....		42/86	Feb. 15/86
amended.....		78/86	Mar. 8/86
amended.....		90/86	Mar. 8/86
amended.....		121/86	Mar. 29/86
amended.....		156/86	Apr. 12/86
amended.....		157/86	Apr. 12/86
amended.....		158/86	Apr. 12/86
amended.....		179/86	Apr. 19/86
amended.....		180/86	Apr. 19/86
amended.....		215/86	May 3/86
amended.....		241/86	May 17/86
amended.....		288/86	May 31/86
amended.....		341/86	June 28/86
amended.....		342/86	June 28/86
amended.....		388/86	July 12/86
amended.....		389/86	July 12/86
amended.....		390/86	July 12/86
amended.....		391/86	July 12/86
amended.....		438/86	Aug. 16/86
amended.....		455/86	Aug. 16/86
amended.....		558/86	Oct. 11/86
amended.....		559/86	Oct. 11/86
amended.....		610/86	Oct. 25/86
amended.....		645/86	Nov. 15/86
amended.....		646/86	Nov. 15/86
amended.....		647/86	Nov. 15/86
amended.....		704/86	Dec. 20/86

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amended.....		721/86	Dec. 27/86
amended.....		722/86	Dec. 27/86
amended.....		744/86	Jan. 3/87
amended.....		745/86	Jan. 3/87
amended.....		746/86	Jan. 3/87
<b>HEALTH PROTECTION AND PROMOTION ACT, 1983</b>			
Areas Comprising Health Units.....		236/84	Apr. 28/84
amended.....		58/85	Feb. 16/85
Camps in Unorganized Territory.....		193/84	Apr. 14/84
Capital Assistance Grants for Boards of Health.....		234/84	Apr. 28/84
Clinics for Sexually Transmitted Diseases.....		237/84	Apr. 28/84
Communicable Diseases - General.....		292/84	May 19/84
Designation of Communicable Diseases.....		161/84	Mar. 24/84
amended.....		698/86	Dec. 20/86
Designation of Municipal Members of Boards of Health.....		235/84	Apr. 28/84
amended.....		57/85	Feb. 16/85
Designation of Reportable Diseases.....		162/84	Mar. 24/84
amended.....		699/86	Dec. 20/86
Food Premises.....		243/84	May 5/84
Grants to Boards of Health.....		382/84	June 30/84
amended.....		636/84	Oct. 27/84
amended.....		257/85	June 8/85
Public Pools.....		381/84	June 30/84
amended.....		146/85	Apr. 20/85
Qualifications of Boards of Health Staff.....		164/84	Mar. 24/84
Rabies - Immunization.....		594/85	Dec. 7/85
amended.....		120/86	Mar. 29/86
amended.....		287/86	May 31/86
amended.....		501/86	Sept. 13/86
amended.....		622/86	Nov. 8/86
amended.....		660/86	Nov. 22/86
amended.....		720/86	Dec. 27/86
Recreational Camps.....		242/84	May 5/84
Reports.....		490/85	Oct. 19/85
School Health Services and Programs.....		516/84	Aug. 25/84
Slaughterhouses and Meat Processing Plants....		293/84	May 19/84
Warrant.....		163/84	Mar. 24/84

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<b>HIGHWAY TRAFFIC ACT</b>			
Allowable Gross Weight for Designated Class of Vehicle.....	453		
Appeals.....	454		
amended.....		117/81	Mar. 14/81
Covering of Loads.....	455		
Dangerous Loads.....	456		
revoked.....		364/85	July 13/85
Demerit Point System.....	457		
(revoked by 359/81)			
Demerit Point System.....		359/81	June 20/81
amended.....		360/81	June 20/81
amended.....		202/82	Apr. 24/82
amended.....		599/82	Sept. 18/82
amended.....		276/84	May 19/84
amended.....		633/84	Oct. 20/84
amended.....		67/86	Mar. 1/86
amended.....		724/86	Dec. 27/86
Designation of Highways.....	458		
Designation of Termination Date of Freeze-Up Periods under Subsection 102(2) of the Act.... (expired)		116/81	Mar. 14/81
Designation of Paved Shoulders on King's Highway.....	459		
amended.....		16/81	Feb. 7/81
Driver Improvement Program.....	460		
Driver Licence Examinations.....	461		
amended.....		729/82	Nov. 20/82
amended.....		275/84	May 19/84
amended.....		641/85	Dec. 28/85
Drivers' Licences.....	462		
amended.....		118/81	Mar. 14/81
amended.....		250/81	May 16/81
amended.....		361/81	June 20/81
amended.....		370/81	June 20/81
amended.....		371/81	June 20/81
amended.....		325/82	May 29/82
amended.....		357/82	June 12/82
amended.....		359/82	June 12/82
amended.....		543/82	Aug. 21/82
amended.....		597/82	Sept. 18/82
amended.....		743/82	Nov. 27/82
amended.....		121/84	Mar. 10/84
amended.....		277/84	May 19/84
amended.....		378/84	June 30/84
amended.....		488/84	Aug. 18/84
amended.....		725/84	Nov. 24/84

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amended.....		267/85	June 15/85
amended.....		628/85	Dec. 14/85
Driver's Licence Suspension for Default of Payment of Fine.....	463		
Driving Instructor's Licence.....	464		
amended.....		362/81	June 20/81
amended.....		376/84	June 30/84
amended.....		242/86	May 17/86
Equipment.....	465		
amended.....		31/85	Feb. 9/85
Exemption from the Provisions of Section 7 of the Act - State of			
Alabama.....		230/84	Apr. 28/84
California.....		268/85	June 15/85
Florida.....		741/83	Dec. 17/83
Georgia.....		689/83	Nov. 12/83
Iowa.....		679/84	Nov. 10/84
Louisiana.....		740/83	Dec. 17/83
Maine.....		588/84	Sept. 29/84
Maryland.....		743/83	Dec. 17/83
Massachusetts.....		169/84	Nov. 31/84
Mississippi.....		686/83	Nov. 12/83
Michigan.....		687/83	Nov. 12/83
Montana.....		532/84	Sept. 1/84
New Jersey.....		490/84	Aug. 18/84
North Carolina.....		682/83	Nov. 12/83
North Dakota.....		30/85	Feb. 9/85
Rhode Island.....		587/84	Sept. 29/84
South Carolina.....		744/84	Dec. 17/83
South Dakota.....		444/84	July 16/83
(revoked by 268/85)			
Tennessee.....		742/83	Dec. 17/83
Utah.....		747/84	Nov. 24/84
Virginia.....		102/84	Mar. 3/84
West Virginia.....		646/83	Oct. 29/83

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Wisconsin.....		659/84	Nov. 3/84
Exemption from the Provisions of Sections 7 and 10 of the Act			
- States of the United States of America.....	466		
amended.....	643/81	Oct.	17/81
amended.....	415/82	July	3/82
amended.....	230/84	Apr.	28/84
amended.....	428/84	July	14/84
amended.....	490/84	Aug.	18/84
amended.....	532/84	Sept.	1/84
amended.....	588/84	Sept.	29/84
amended.....	659/84	Nov.	3/84
amended.....	679/84	Nov.	10/84
amended.....	726/84	Nov.	24/84
amended.....	268/85	June	15/85
Exemption from the Provisions of Sections 7 and 10 of the Act - State of			
Illinois.....	661/82	Oct.	23/82
Maryland.....	658/82	Oct.	23/82
(revoked by 268/85)			
Michigan.....	678/81	Oct.	31/81
South Dakota.....	660/82	Oct.	23/82
Exemption from the Provisions of Subsection 68(1) of the Act -			
Province of Alberta.....	467		
State of New York.....	121/83	Mar.	19/83
Extending Validity of Driver's Licence.....	473/81	Aug.	1/81
(revoked by 549/81)			
Extending Validity of Driver's Licence.....	549/81	Sept.	5/81
(expired)			
Extending Validity of Motor Vehicle Permits.....	843/81	Jan.	2/82
(expired)			
Garage Licences.....	468		
amended.....	46/81	Feb.	21/81
amended.....	204/81	Apr.	18/81
amended.....	659/82	Oct.	23/82
General.....	469		
amended.....	45/81	Feb.	21/81
amended.....	95/81	Mar.	14/81
amended.....	193/81	Apr.	18/81
amended.....	248/81	May	16/81
amended.....	337/81	June	6/81
amended.....	460/81	July	25/81
amended.....	461/81	July	25/81
amended.....	664/81	Oct.	24/81
amended.....	791/81	Dec.	12/81
amended.....	792/81	Dec.	12/81



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amended.....		801/81	Dec. 12/81
amended.....		358/82	June 12/82
amended.....		477/82	July 31/82
amended.....		542/82	Aug. 21/82
amended.....		744/82	Nov. 27/82
amended.....		49/84	Feb. 18/84
amended.....		489/84	Aug. 18/84
Gross Vehicle Weights.....	470		
Gross Weight on Bridges.....	471		
Gross Weight on the Kabitotikwia River Bridge.....		491/84	Aug. 18/84
revoked.....		122/85	Mar. 30/85
Gross Weight on the Kaministikwia River Bridge.....		524/83	Sept. 3/83
Gross Weight on the Trout Lake River Bridge.....		300/82	May 22/82
revoked.....		390/82	June 19/82
Highway Closings.....	472		
Load Limits.....		98/81	Mar. 14/81
amended.....		99/81	Mar. 14/81
Load Limits on Local Roads Within Local Roads Areas.....	473		
amended.....		100/81	Mar. 14/81
Motor Vehicle Inspection Stations.....	474		
amended.....		508/81	Aug. 15/81
amended.....		60/82	Feb. 20/82
amended.....		525/84	Sept. 1/84
amended.....		820/84	Jan. 19/85
amended.....		449/85	Sept. 21/85
amended.....		665/86	Nov. 29/86
Notice to Have Motor Vehicle Examined and Tested.....	475		
(revoked by 61/82)			
Notice to Have Motor Vehicle Examined and Tested.....		61/82	Feb. 20/82
amended.....		350/83	June 25/83
Over-Dimensional Farm Vehicles.....	476		
amended.....		427/84	July 14/84
Parking.....	477		
amended.....		13/81	Feb. 7/81
amended.....		62/81	Feb. 28/81
amended.....		110/81	Mar. 14/81
amended.....		199/81	Apr. 18/81
amended.....		213/81	Apr. 25/81
amended.....		339/81	June 6/81
amended.....		445/81	July 18/81
amended.....		455/81	July 25/81

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amended.....		529/81	Aug. 29/81
amended.....		661/81	Oct. 17/81
amended.....		717/81	Nov. 7/81
amended.....		790/81	Dec. 12/81
amended.....		803/81	Dec. 19/81
amended.....		856/81	Jan. 9/82
amended.....		14/82	Feb. 6/82
amended.....		123/82	Mar. 20/82
amended.....		228/82	May 1/82
amended.....		318/82	May 29/82
amended.....		396/82	June 26/82
amended.....		502/82	Aug. 7/82
amended.....		644/82	Oct. 16/82
amended.....		801/82	Dec. 25/82
amended.....		31/83	Feb. 5/83
amended.....		131/83	Mar. 26/83
amended.....		189/83	Apr. 16/83
amended.....		228/83	May 7/83
amended.....		400/83	July 16/83
amended.....		457/83	Aug. 6/83
amended.....		661/83	Oct. 29/83
amended.....		682/83	Nov. 12/83
amended.....		4/84	Jan. 21/84
amended.....		177/84	Apr. 14/84
amended.....		435/84	July 21/84
amended.....		550/84	Sept. 1/84
amended.....		694/84	Nov. 17/84
amended.....		85/85	Mar. 9/85
amended.....		184/85	May 11/85
amended.....		214/85	June 1/85
amended.....		378/85	Aug. 3/85
amended.....		405/85	Aug. 24/85
amended.....		572/85	Nov. 23/85
amended.....		598/85	Dec. 14/85
amended.....		39/86	Feb. 15/86
amended.....		80/86	Mar. 8/86
amended.....		89/86	Mar. 8/86
amended.....		137/86	Apr. 5/86
amended.....		210/86	May 3/86
amended.....		319/86	June 21/86
amended.....		473/86	Aug. 23/86
amended.....		474/86	Aug. 23/86
amended.....		547/86	Sept. 27/86
amended.....		630/86	Nov. 15/86
amended.....		631/86	Nov. 15/86
Portable Lane Control Signal Systems.....	478		
Reciprocal Suspension of Licences.....	479		
Restricted Use of Left Lanes by Commercial Motor Vehicles.....	480		
amended.....		535/81	Aug. 29/81
amended.....		17/82	Feb. 6/82
amended.....		804/83	Jan. 7/84
amended.....		87/85	Mar. 9/85
amended.....		193/85	May 11/85
amended.....		474/85	Oct. 5/85
amended.....		169/86	Apr. 12/86

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Restricted Use of the King's Highway.....	481			
Safety Helmets.....	482			
amended.....		249/81	May	16/81
Safety Inspections.....	483			
amended.....		507/81	Aug.	15/81
amended.....		800/81	Dec.	12/81
amended.....		839/81	Jan.	2/82
amended.....		59/82	Feb.	20/82
amended.....		544/82	Aug.	21/82
amended.....		596/82	Sept.	18/82
amended.....		742/82	Nov.	27/82
amended.....		486/84	Aug.	18/84
amended.....		527/84	Sept.	1/84
amended.....		821/84	Jan.	19/85
amended.....		127/86	Mar.	29/86
School Buses.....	484			
amended.....		277/81	May	23/81
amended.....		598/82	Sept.	18/82
amended.....		19/83	Jan.	29/83
amended.....		336/83	June	18/83
amended.....		487/84	Aug.	18/84
Seat Belt Assemblies.....	485			
amended.....		545/82	Aug.	21/82
amended.....		629/83	Oct.	15/83
Security of Loads.....		428/81	July	11/81
Signs.....	486			
amended.....		372/81	June	20/81
amended.....		802/81	Dec.	12/81
amended.....		414/82	July	3/82
amended.....		600/82	Sept.	18/82
amended.....		122/84	Mar.	10/84
amended.....		569/84	Sept.	15/84
amended.....		168/86	Apr.	12/86
amended.....		435/86	Aug.	16/86
Slow-Moving Vehicle Sign.....	487			
Special Permits.....	488			
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amended.....		67/81	Mar.	7/81
amended.....		109/81	Mar.	14/81
amended.....		176/81	Apr.	11/81
amended.....		200/81	Apr.	18/81
amended.....		338/81	June	6/81
amended.....		453/81	July	18/81
amended.....		534/81	Aug.	29/81
amended.....		573/81	Sept.	12/81
amended.....		592/81	Sept.	19/81
amended.....		696/81	Nov.	7/81
amended.....		708/81	Nov.	7/81

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amended.....	19/82	Feb.	6/82
amended.....	21/82	Feb.	6/82
amended.....	137/82	Mar.	20/82
amended.....	227/82	May	1/82
amended.....	321/82	May	29/82
amended.....	344/82	June	12/82
amended.....	365/82	June	12/82
amended.....	465/82	July	24/82
amended.....	623/82	Oct.	9/82
amended.....	657/82	Oct.	23/82
amended.....	677/82	Oct.	23/82
amended.....	698/82	Nov.	6/82
amended.....	758/82	Dec.	4/82
amended.....	800/82	Dec.	25/82
amended.....	827/82	Jan.	8/83
amended.....	97/83	Mar.	5/83
amended.....	190/83	Apr.	16/83
amended.....	191/83	Apr.	16/83
amended.....	235/83	May	7/83
amended.....	280/83	May	28/83
amended.....	382/83	July	9/83
amended.....	399/83	July	16/83
amended.....	579/83	Oct.	1/83
amended.....	693/83	Nov.	19/83
amended.....	762/83	Dec.	24/83
amended.....	773/83	Dec.	31/83
amended.....	23/84	Feb.	4/84
amended.....	90/84	Mar.	3/84
amended.....	101/84	Mar.	3/84
amended.....	117/84	Mar.	10/84
amended.....	158/84	Mar.	24/84
amended.....	178/84	Apr.	14/84
amended.....	303/84	May	26/84
amended.....	374/84	June	30/84
amended.....	468/84	Aug.	11/84
amended.....	524/84	Sept.	1/84
amended.....	628/84	Oct.	20/84
amended.....	658/84	Nov.	3/84
amended.....	687/84	Nov.	17/84
amended.....	789/84	Dec.	29/84
amended.....	36/85	Feb.	9/85
amended.....	37/85	Feb.	9/85
amended.....	86/85	Mar.	9/85
amended.....	172/85	Apr.	27/85
amended.....	181/85	May	4/85
amended.....	188/85	May	11/85
amended.....	334/85	July	6/85
amended.....	382/85	Aug.	10/85
amended.....	403/85	Aug.	24/85
amended.....	406/85	Aug.	24/85
amended.....	414/85	Aug.	31/85
amended.....	592/85	Dec.	7/85
amended.....	593/85	Dec.	7/85
amended.....	597/85	Dec.	14/85
amended.....	626/85	Dec.	14/85
amended.....	627/85	Dec.	14/85
amended.....	678/85	Jan.	4/86
amended.....	7/86	Jan.	25/86
amended.....	50/86	Feb.	15/86
amended.....	103/86	Mar.	15/86
amended.....	299/86	June	7/86

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amended.....		320/86	June 21/86
amended.....		490/86	Aug. 30/86
amended.....		567/86	Oct. 11/86
amended.....		752/86	Jan. 10/87
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amended.....		119/82	Mar. 20/82
amended.....		319/82	May 29/82
amended.....		676/82	Oct. 23/82
amended.....		791/82	Dec. 18/82
amended.....		124/83	Mar. 26/83
amended.....		234/83	May 7/83
amended.....		696/83	Nov. 19/83
amended.....		523/84	Sept. 1/84
amended.....		791/84	Dec. 29/84
amended.....		192/85	May 11/85
amended.....		548/86	Sept. 27/86
amended.....		629/86	Nov. 15/86
amended.....		753/86	Jan. 10/87
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amended.....		18/82	Feb. 6/82
amended.....		320/82	May 22/82
amended.....		622/82	Oct. 9/82
amended.....		123/83	Mar. 26/83
amended.....		424/83	July 16/83
amended.....		456/83	Aug. 6/83
amended.....		642/83	Oct. 29/83
amended.....		429/84	July 14/84
amended.....		749/84	Dec. 8/84
amended.....		379/85	Aug. 3/85
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amended.....		102/86	Mar. 15/86
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amended.....		120/84	Mar. 10/84
amended.....		278/84	May 19/84
amended.....		377/84	June 30/84
amended.....		724/84	Nov. 24/84
amended.....		819/84	Jan. 19/85
amended.....		154/85	Apr. 20/85
amended.....		579/85	Nov. 23/85
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amended.....		86/86	Mar. 8/86
amended.....		621/86	Nov. 8/86
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amended.....		155/85	Apr. 20/85
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amended.....		679/81	Oct. 31/81
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amended.....		73/82	Feb. 27/82
amended.....		458/82	July 17/82
amended.....		615/82	Oct. 2/82
amended.....		89/84	Mar. 3/84
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amended.....		109/84	Mar. 10/84
amended.....		238/84	May 5/84
amended.....		105/85	Mar. 23/85
amended.....		302/86	June 7/86
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amended.....		732/83	Dec. 10/83
amended.....		499/84	Aug. 18/84
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amended.....		49/85	Feb. 16/85
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amended.....		666/81	Oct. 24/81
amended.....		236/82	May 1/82
amended.....		736/82	Nov. 20/82
amended.....		232/83	May 7/83
amended.....		664/84	Nov. 10/84
amended.....		273/85	June 15/85
amended.....		91/86	Mar. 8/86
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amended.....		50/81	Feb. 21/81
amended.....		188/81	Apr. 11/81
amended.....		272/81	May 16/81
amended.....		377/81	June 20/81
amended.....		482/81	Aug. 1/81
amended.....		614/81	Oct. 3/81
amended.....		699/81	Nov. 7/81
amended.....		820/81	Dec. 26/81
amended.....		70/82	Feb. 20/82
amended.....		313/82	May 22/82
amended.....		457/82	July 17/82
amended.....		550/82	Aug. 21/82
amended.....		552/82	Aug. 21/82
amended.....		723/82	Nov. 13/82
amended.....		72/83	Feb. 12/83
amended.....		275/83	May 21/83
amended.....		464/83	Aug. 6/83
amended.....		581/83	Oct. 1/83
amended.....		608/83	Oct. 15/83
amended.....		630/83	Oct. 15/83
amended.....		650/83	Oct. 29/83



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amended.....		765/83	Dec. 24/83
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amended.....		64/84	Feb. 18/84
amended.....		311/84	June 2/84
amended.....		328/84	June 9/84
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amended.....		705/84	Nov. 17/84
amended.....		28/85	Feb. 9/85
amended.....		208/85	May 25/85
amended.....		350/85	July 6/85
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amended.....		504/85	Oct. 26/85
amended.....		554/85	Nov. 16/85
amended.....		48/86	Feb. 15/86
amended.....		140/86	Apr. 5/86
amended.....		247/86	May 17/86
amended.....		367/86	July 12/86
amended.....		443/86	Aug. 16/86
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amended.....		579/84	Sept. 29/84
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amended.....			
amended.....		109/82	Mar. 13/82
amended.....		830/82	Jan. 8/83

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amended.....		108/83	Mar.	12/83
amended.....		157/83	Apr.	5/83
amended.....		408/83	July	16/83
amended.....		121/85	Mar.	30/85
amended.....		674/85	Jan.	4/86
(revoked by 59/86)				
General.....		59/86	Feb.	22/86
amended.....		126/86	Mar.	29/86
amended.....		726/86	Dec.	27/86
LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT				
General.....	574			
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General.....	587			
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General.....	578			
amended.....		443/82	July	10/82
amended.....		203/84	Apr.	14/84
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Forms.....	579			
Forms.....		10/82	Jan.	30/82
Lands Situate in Territory Without Municipal Organization.....		9/82	Jan.	30/82
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General.....	580			
amended.....		85/82	Mar.	6/82
amended.....		391/82	June	26/82
amended.....		601/82	Sept.	25/82
amended.....		384/84	July	7/84
amended.....		583/85	Nov.	23/85
LIQUOR LICENCE ACT				
General.....	581			
amended.....		20/81	Feb.	14/81
amended.....		105/81	Mar.	14/81
amended.....		358/81	June	20/81
amended.....		560/81	Sept.	5/81
amended.....		805/81	Dec.	19/81
amended.....		845/81	Jan.	2/82
amended.....		30/82	Feb.	13/82
amended.....		72/82	Feb.	27/82
amended.....		352/82	June	12/82
amended.....		353/82	June	12/82
amended.....		407/82	June	26/82
amended.....		408/82	June	26/82
amended.....		487/82	Aug.	7/82
amended.....		520/82	Aug.	14/82
amended.....		534/82	Aug.	21/82

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amended.....	580/82	Sept.	11/82
amended.....	625/82	Oct.	9/82
amended.....	840/82	Jan.	8/83
amended.....	591/83	Oct.	1/83
amended.....	148/84	Mar.	17/84
amended.....	239/84	May	5/84
amended.....	251/84	May	12/84
amended.....	282/84	May	19/84
amended.....	318/84	June	9/84
amended.....	383/84	July	7/84
amended.....	446/84	July	28/84
amended.....	585/84	Sept.	29/84
amended.....	598/84	Oct.	6/84
amended.....	792/84	Dec.	29/84
amended.....	249/85	June	8/85
amended.....	315/85	June	29/85
amended.....	324/85	July	6/85
amended.....	537/85	Nov.	9/85
amended.....	584/85	Nov.	23/85
amended.....	70/86	Mar.	1/86
amended.....	277/86	May	31/86
amended.....	278/86	May	31/86
amended.....	483/86	Aug.	30/86
amended.....	651/86	Nov.	22/86
amended.....	693/86	Dec.	13/86
amended.....	713/86	Dec.	20/86
Possession of Liquor in Charles Daley Park.... (revoked by 148/82)	328/81	May	30/81
Possession of Liquor in Conservation Areas Operated by the Halton Region Conservation Authority.....	724/83	Dec.	3/83
Possession of Liquor in Provincial Parks..... (revoked by 148/82)	134/81	Mar.	28/81
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Clair Parkway Commission, The St. Lawrence Parks Commission and The Niagara Parks Commission.....	122/86	Mar.	29/86
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 151/83)	148/82	Apr.	3/82
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 160/84)	151/83	Apr.	2/83
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 151/85)	160/84	Mar.	24/84

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Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 122/86)		151/85	Apr.	20/85
<b>LIVE STOCK AND LIVE STOCK PRODUCTS ACT</b>				
.....	582			
amended.....		301/81	May	23/81
amended.....		571/81	Sept.	12/81
Live Stock.....		367/82	June	12/82
amended.....		526/82	Aug.	21/82
amended.....		589/82	Sept.	18/82
.....				
amended.....		302/81	May	23/81
.....				
amended.....		303/81	May	23/81
<b>LIVE STOCK BRANDING ACT</b>				
.....	585			
amended.....		88/82	Mar.	6/82
<b>LIVE STOCK COMMUNITY SALES ACT</b>				
General.....	586			
amended.....		775/81	Dec.	5/81
amended.....		258/85	June	8/85
<b>LIVE STOCK MEDICINES ACT</b>				
General.....	587			
amended.....		320/81	May	30/81
amended.....		259/82	May	8/82
amended.....		667/82	Oct.	23/82
amended.....		115/84	Mar.	10/84
amended.....		780/84	Dec.	22/84
amended.....		359/86	July	5/86
<b>LOAN AND TRUST CORPORATIONS ACT</b>				
Approved Trust Companies.....	588			
amended.....		347/82	June	12/82
amended.....		650/82	Oct.	16/82
amended.....		730/84	Dec.	1/84
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amended.....		784/82	Dec.	18/82
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amended.....		667/84	Nov.	10/84
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amended.....		666/84	Nov.	10/84
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amended.....		146/86	Apr.	5/86
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- Loan Corporation.....	595			
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- Investment.....	597			

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Northern and Eastern Regions.....

amended.....	598	78/81	Mar.	7/81
amended.....		88/81	Mar.	14/81
amended.....		235/81	May	1/81
amended.....		259/81	May	16/81
amended.....		546/81	Sept.	5/81
amended.....		77/82	Mar.	6/82
amended.....		265/82	May	8/82
amended.....		360/82	June	12/82
amended.....		22/83	Jan.	29/83
amended.....		76/83	Feb.	19/83
amended.....		193/83	Apr.	16/83
amended.....		214/83	Apr.	30/83
amended.....		314/83	June	4/83
amended.....		422/83	July	16/83
amended.....		670/83	Nov.	5/83
amended.....		241/84	May	5/84
amended.....		656/84	Nov.	3/84
amended.....		80/85	Mar.	9/85
amended.....		169/85	Apr.	20/85
amended.....		312/85	June	22/85
amended.....		247/86	July	1/86
amended.....		651/85	Dec.	28/85
amended.....		55/86	Feb.	22/86
amended.....		166/86	Apr.	12/86
amended.....		220/86	May	10/86
amended.....		255/86	May	24/86
amended.....		318/86	June	21/86
amended.....		477/86	Aug.	30/86
amended.....		604/86	Oct.	25/86

Northwestern Region.....	599			
amended.....		452/81	July	18/81
amended.....		625/81	Oct.	10/81
amended.....		66/82	Feb.	20/82
amended.....		258/82	May	1/82
amended.....		310/82	May	22/82
amended.....		7/83	Jan.	22/83
amended.....		87/83	Feb.	26/83
amended.....		254/83	May	14/83
amended.....		355/83	July	2/83
amended.....		132/84	Mar.	17/84
amended.....		274/84	May	19/84

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amended.....		657/84	Nov. 3/84
amended.....		17/85	Feb. 9/85
amended.....		182/85	May 4/85
amended.....		201/85	May 25/85
amended.....		389/85	Aug. 17/85
amended.....		483/85	Oct. 12/85
amended.....		178/86	Apr. 19/86
amended.....		284/86	May 31/86
amended.....		374/86	July 12/86
amended.....		588/86	Oct. 18/86
amended.....		723/86	Dec. 27/86
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Community of Armstrong.....	601		
amended.....		764/84	Dec. 15/84
Community of Bourke.....		525/85	Nov. 2/85
Community of Britt.....		274/82	May 8/82
Community of Campbell Township.....		727/81	Nov. 14/81
Community of Canamot.....		597/81	Sept. 19/81
Community of Cartier.....		326/82	May 29/82
Community of Croft.....		778/83	Dec. 31/83
Community of Drayton.....		96/81	Mar. 14/81
Community of Ferguson.....		435/85	Sept. 14/85
Community of Foleyet.....	602		
Community of Gogama.....	603		
amended.....		850/81	Jan. 9/82
Community of Goulais River.....		642/85	Dec. 28/85
amended.....		739/86	Jan. 3/87
Community of Hallebourg.....		688/85	Jan. 4/86
Community of Hawk Junction.....		85/81	Mar. 14/81
Community of Heron Bay.....		259/86	May 24/86
Community of Hudson.....	604		
amended.....		131/82	Mar. 20/82
amended.....		649/84	Oct. 27/84
Community of Hurkett.....		119/81	Mar. 14/81
Community of Jogues.....		459/85	Sept. 28/85
amended.....		706/86	Dec. 20/86

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Community of Kaministiquia.....		410/85	Aug. 31/85
Community of King - Lebel.....		806/82	Dec. 25/82
Community of Lappe.....		556/82	Aug. 28/82
Community of Lee Valley.....		458/85	Sept. 28/85
Community of Madawaska.....		741/82	Nov. 20/82
Community of Madsen.....	605		
Community of Minaki.....		212/83	Apr. 30/83
Community of Missanabie.....		471/82	July 24/82
amended.....		800/83	Jan. 7/84
Community of Moose Factory.....		664/86	Nov. 29/86
Community of Nestor Falls.....		795/81	Dec. 12/81
Community of Oba.....		849/82	Jan. 15/83
Community of Pearson.....		472/82	July 24/82
Community of Redditt.....		796/81	Dec. 12/81
Community of Festville.....		633/81	Oct. 17/81
amended.....		92/85	Mar. 9/85
Community of Robinson.....		333/81	June 6/81
Community of Rossport.....		782/82	Dec. 11/82
Community of Savant Lake.....		592/86	Oct. 18/86
Community of Savard and Area.....		528/83	Sept. 3/83
Community of Searchmont.....		596/81	Sept. 19/81
Community of Shakespeare.....		527/83	Sept. 3/83
Community of Sultan.....		473/82	July 24/82
Community of Thorne.....		58/82	Feb. 20/82
amended.....		503/84	Aug. 25/84
Community of Wabigoon.....		7/81	Jan. 31/81
Community of Willisville and Whitefish Falls.....		327/82	May 29/82
amended.....		445/82	July 17/82
amended.....		765/84	Dec. 15/84

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amended.....		173/81	Apr. 11/81
amended.....		454/81	July 18/81
amended.....		463/81	July 25/81
amended.....		207/82	Apr. 24/82
amended.....		225/82	May 1/82
amended.....		524/82	Aug. 14/82
amended.....		745/82	Nov. 27/82
amended.....		162/83	Apr. 9/83
amended.....		241/83	May 14/83
amended.....		542/83	Sept. 10/83
amended.....		543/83	Sept. 10/83
amended.....		673/83	Nov. 5/83
amended.....		154/84	Mar. 24/84
amended.....		155/84	Mar. 24/84
amended.....		261/84	May 12/84
amended.....		138/85	Apr. 20/85
amended.....		439/85	Sept. 21/85
amended.....		440/85	Sept. 21/85
amended.....		480/85	Oct. 12/85
amended.....		61/86	Feb. 22/86
amended.....		354/86	July 5/86
amended.....		489/86	Aug. 30/86
amended.....		694/86	Dec. 13/86
amended.....		702/86	Dec. 20/86
amended.....		734/86	Jan. 3/87
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amended.....		174/81	Apr. 11/81
amended.....		215/81	Apr. 25/81
amended.....		226/82	May 1/82
amended.....		804/82	Dec. 25/82
amended.....		522/83	Sept. 3/83
amended.....		153/84	Mar. 24/84
amended.....		262/84	May 12/84
amended.....		139/85	Apr. 20/85
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amended.....		172/81	Apr. 11/81
amended.....		682/81	Oct. 31/81
amended.....		237/82	May 1/82
amended.....		231/83	May 7/83

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amended.....		210/84	Apr. 28/84
amended.....		665/84	Nov. 10/84
amended.....		272/85	June 15/85
amended.....		92/86	Mar. 8/86
<b>METROPOLITAN POLICE FORCE COMPLAINTS</b>			
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<b>METROPOLITAN TORONTO POLICE FORCE</b>			
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General.....		494/85	Oct. 19/85
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amended.....		196/82	Apr. 17/82
amended.....		322/82	May 29/82
amended.....		200/83	Apr. 16/83
amended.....		195/84	Apr. 14/84
amended.....		165/85	Apr. 20/85
amended.....		177/86	Apr. 19/86
Cheese Exchange.....		531/84	Sept. 1/84
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- Marketing.....	617		
amended.....		507/86	Sept. 13/86
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amended.....		599/81	Sept. 19/81
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- Marketing.....	619		
amended.....		855/81	Jan. 9/82
amended.....		380/82	June 19/82
amended.....		701/85	Jan. 18/86
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amended.....		40/81	Feb. 14/81
amended.....		195/81	Apr. 18/81
amended.....		266/81	May 16/81
amended.....		515/81	Aug. 15/81
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amended.....		31/84	Feb. 4/84
amended.....		630/84	Oct. 20/84
amended.....		584/86	Oct. 18/86
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amended.....		41/81	Feb. 14/81
amended.....		196/81	Apr. 18/81
amended.....		267/81	May 16/81
amended.....		516/81	Aug. 15/81
amended.....		594/81	Sept. 19/81
amended.....		650/81	Oct. 17/81
amended.....		877/81	Jan. 16/82
amended.....		47/82	Feb. 20/82
amended.....		522/82	Aug. 14/82
amended.....		559/82	Aug. 28/82
amended.....		592/82	Sept. 18/82
amended.....		725/82	Nov. 13/82
amended.....		857/82	Jan. 15/83
amended.....		81/83	Feb. 19/83
amended.....		199/83	Apr. 16/83
amended.....		253/83	May 14/83
amended.....		479/83	Aug. 13/83
amended.....		556/83	Sept. 17/83
amended.....		812/83	Jan. 14/84
amended.....		60/84	Feb. 18/84
amended.....		197/84	Apr. 14/84
amended.....		272/84	May 12/84
amended.....		493/84	Aug. 18/84
amended.....		571/84	Sept. 15/84
amended.....		166/85	Apr. 20/85
amended.....		418/85	Aug. 31/85
amended.....		433/85	Sept. 14/85
amended.....		488/85	Oct. 19/85
amended.....		508/85	Oct. 26/85
amended.....		453/86	Aug. 16/86
amended.....		481/86	Aug. 30/86
amended.....		499/86	Sept. 13/86
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amended.....		593/81	Sept. 19/81
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amended.....		876/81	Jan. 16/82
amended.....		46/82	Feb. 20/82
amended.....		523/82	Aug. 14/82
amended.....		558/82	Aug. 28/82
amended.....		591/82	Sept. 18/82
amended.....		679/82	Oct. 23/82
amended.....		724/82	Nov. 13/82
amended.....		856/82	Jan. 15/83
amended.....		79/83	Feb. 19/83

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amended.....		198/83	Apr. 16/83
amended.....		252/83	May 14/83
amended.....		478/83	Aug. 13/83
amended.....		555/83	Sept. 17/83
amended.....		811/83	Jan. 14/84
amended.....		21/84	Jan. 28/84
amended.....		59/84	Feb. 18/84
amended.....		105/84	Mar. 3/84
amended.....		196/84	Apr. 14/84
amended.....		270/84	May 12/84
amended.....		271/84	May 12/84
amended.....		492/84	Aug. 18/84
amended.....		570/84	Sept. 15/84
amended.....		801/84	Jan. 5/85
amended.....		164/85	Apr. 20/85
amended.....		417/85	Aug. 31/85
amended.....		434/85	Sept. 14/85
amended.....		489/85	Oct. 19/85
amended.....		507/85	Oct. 26/85
amended.....		452/86	Aug. 16/86
amended.....		482/86	Aug. 30/86
amended.....		500/86	Sept. 13/86
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- Marketing.....	625		
amended.....		475/81	Aug. 1/81
amended.....		5/82	Jan. 23/82
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amended.....		746/81	Nov. 28/81
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amended.....		113/83	Mar. 19/83
amended.....		658/83	Oct. 29/83
amended.....		506/86	Sept. 13/86
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amended.....		42/81	Feb. 14/81
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Mining and Lands Commissioner to Hear and  
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against The Otonabee Region Conservation  
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Mining and Lands Commissioner to Hear and  
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##### Mining and Lands Commissioner to Hear and Determine the appeal of:

Mr. Milton A. Chomyn against The South  
Lake Simcoe Conservation Authority;  
Mr. A. Evans against The Lakehead  
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Mr. Guy E. Muschett against The Credit  
Valley Conservation Authority;  
Mr. Roger Ross against The Metropolitan  
Toronto Region Conservation  
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Edith and Rita Martin against The Rideau  
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Mining and Lands Commissioner to Hear and Determine the appeal of: Polish Army Veterans Association against Metropolitan Toronto and Region Conservation Authority.....		128/82	Mar. 20/82

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amended.....		799/31	Dec. 12/81
amended.....		874/81	Jan. 16/82
amended.....		740/82	Nov. 20/82
amended.....		790/82	Dec. 18/82
amended.....		6/83	Jan. 22/83
amended.....		8/83	Jan. 22/83
amended.....		94/83	Feb. 19/83
amended.....		176/83	Apr. 16/83
amended.....		177/83	Apr. 16/83
amended.....		665/83	Oct. 29/83
amended.....		666/83	Oct. 29/83



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amended.....		667/83	Oct. 29/83
amended.....		668/83	Oct. 29/83
amended.....		669/83	Oct. 29/83
amended.....		233/84	Apr. 28/84
amended.....		247/84	May 12/84
amended.....		347/84	June 15/84
amended.....		434/84	July 21/84
amended.....		106/85	Mar. 23/85
amended.....		365/85	July 13/85
amended.....		369/85	July 20/85
amended.....		588/85	Dec. 7/85
amended.....		289/86	May 31/86
amended.....		343/86	June 28/86
amended.....		563/86	Oct. 11/86
amended.....		573/86	Oct. 11/86
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amended.....		181/82	Apr. 10/82
amended.....		694/82	Nov. 6/82
amended.....		729/84	Dec. 1/84
amended.....		469/85	Oct. 5/85
amended.....		98/86	Mar. 15/86
amended.....		290/86	May 31/86
amended.....		716/86	Dec. 27/86
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amended.....		390/81	June 27/81
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amended.....		39/81	Feb. 14/81
amended.....		299/81	May 23/81
amended.....		489/81	Aug. 8/81
amended.....		668/81	Oct. 24/81
amended.....		686/81	Oct. 31/81
amended.....		793/81	Dec. 12/81
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amended.....		234/82	May 1/82
amended.....		296/82	May 22/82
amended.....		530/82	Aug. 21/82
amended.....		608/82	Sept. 25/82
amended.....		734/82	Nov. 20/82
amended.....		78/83	Feb. 19/83
amended.....		258/83	May 21/83
amended.....		459/83	Aug. 6/83
amended.....		550/83	Sept. 10/83
amended.....		703/83	Nov. 19/83
amended.....		790/83	Jan. 7/84
amended.....		61/84	Feb. 18/84
amended.....		287/84	May 19/84
amended.....		481/84	Aug. 18/84
amended.....		564/84	Sept. 15/84
amended.....		718/84	Nov. 24/84
amended.....		21/85	Feb. 9/85
amended.....		205/85	May 25/85
amended.....		407/85	Aug. 24/85
amended.....		564/85	Nov. 23/85
amended.....		31/86	Feb. 8/86
amended.....		40/86	Feb. 15/86
amended.....		240/86	May 17/86
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Designated Substance - Acrylonitrile.....		733/84	Dec. 1/84
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amended.....		306/85	June 22/85
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amended.....		230/82	May	1/82
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Guaranteed Income Limit.....		252/82	May	1/82
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(revoked by 465/83)				
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(revoked by 529/84)				
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Guaranteed Income Limit.....		712/84	Nov.	17/84
(revoked by 769/84)				
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Grants to Historical Societies.....		689/81	Oct. 13/81
Grants to Historical Societies.....		398/81	July 4/81
Grants to Historical Societies.....		729/81	Nov. 14/81
Grants to Historical Societies.....		224/83	Apr. 30/83
Grants to Historical Societies.....		417/84	July 14/84
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Grants to Historical Societies.....		212/82	Apr. 24/82

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Regulations.....		120/82	Mar. 20/82
Regulations.....		546/82	Aug. 21/82
Regulations.....		170/86	Apr. 12/86
Regulations.....		436/86	Aug. 16/86

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<b>ONTARIO HUMAN RIGHTS CODE</b> (See now Human Rights Code, 1981 - S.O. 1981, c. 53)			
Form of Complaint.....	717		
(expired)			
<b>ONTARIO INSTITUTE FOR STUDIES IN EDUCATION ACT</b>			
General.....	718		
<b>ONTARIO LOTTERY CORPORATION ACT</b>			
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<b>ONTARIO MINERAL EXPLORATION PROGRAM ACT</b>			
General.....	720		
amended.....		82/81	Mar. 14/81
General.....	721		
<b>ONTARIO MUNICIPAL BOARD ACT</b>			
Fees.....		642/84	Oct. 27/84
(revoked by 330/86)			
Fees.....		330/86	June 28/86
Procedure.....	722		
Tariff of Fees.....	723		
amended.....		623/81	Oct. 10/81
amended.....		330/82	June 5/82
amended.....		61/83	Feb. 12/83
(revoked by 642/84)			
<b>ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT</b>			
General.....	724		
amended.....		641/81	Oct. 17/81
amended.....		389/82	June 19/82
amended.....		70/83	Feb. 12/83
amended.....		359/83	July 2/83
amended.....		349/84	June 16/84
amended.....		250/85	June 8/85
amended.....		393/86	July 12/86
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amended.....		142/81	Mar. 28/81
amended.....		289/82	May 15/82
amended.....		120/83	Mar. 19/83
amended.....		78/84	Feb. 25/84
amended.....		677/84	Nov. 10/84



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<b>ONTARIO PENSIONERS PROPERTY TAX ASSISTANCE ACT</b>			
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revoked .....		363/82	June 12/82
General.....	730		
(revoked by 776/81)			
General.....		776/81	Dec. 5/81
amended.....		688/82	Oct. 30/82
amended.....		757/83	Dec. 17/83
amended.....		713/84	Nov. 17/84
amended.....		286/86	May 31/86
General.....	731		
(revoked by 726/81)			
General.....		726/81	Nov. 14/81
(revoked by 635/82)			
General.....		635/82	Oct. 9/82
amended.....		393/83	July 9/83
amended.....		513/83	Aug. 27/83
(revoked by 695/83)			
General.....		695/83	Nov. 19/83
(revoked by 654/84)			
General.....		654/84	Nov. 3/84
amended.....		438/85	Sept. 21/85
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amended.....		255/81	May 16/81
amended.....		784/81	Dec. 5/81
amended.....		726/82	Nov. 13/82
amended.....		287/83	May 28/83
amended.....		746/83	Dec. 17/83
amended.....		258/84	May 12/84
amended.....		836/84	Jan. 19/85
amended.....		216/85	June 1/85
amended.....		338/85	July 6/85
amended.....		398/85	Aug. 17/85
amended.....		635/85	Dec. 21/85
amended.....		153/86	Apr. 12/86
amended.....		555/86	Oct. 4/86
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amended.....		104/82	Mar. 6/82
Determination of Apportionments and Levies, 1982.....		648/82	Oct. 16/82
Determination of Apportionments and Levies, 1983.....		289/83	May 28/83
Determination of Apportionments and Levies, 1984.....		255/84	May 12/84
Determination of Apportionments and Levies, 1985.....		251/85	June 8/85
Determination of Apportionments and Levies, 1986.....		360/86	July 5/86
General.....	714		
(revoked by 578/81)			
General.....		578/81	Sept. 12/81
amended.....		105/82	Mar. 6/82
amended.....		413/82	July 3/82
(revoked by 565/82)			
General.....		565/82	Sept. 4/82
(revoked by 246/83)			
General.....		246/83	May 14/83
(revoked by 453/84)			
General.....		453/84	July 28/84
(revoked by 339/85)			
General.....		339/85	July 6/85
amended.....		568/85	Nov. 23/85
(revoked by 527/86)			
General.....		527/86	Sept. 20/86
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Plumbing Code.....	736		
amended.....		567/81	Sept. 12/81
amended.....		58/83	Feb. 5/83
(revoked by 815/84)			

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Plumbing Code.....		815/84	Jan. 12/85
amended.....		675/85	Jan. 4/86
Rate of Interest.....	737		
South Cayuga Sewage Works.....	738		
revoked.....		520/81	Aug. 22/81
St. Thomas Aquinas School Sewage Works.....		531/85	Nov. 9/85
Water Wells.....	739		
amended.....		160/82	Apr. 3/82
(revoked by 612/84)			
Wells.....		612/84	Oct. 13/84
amended.....		132/85	Apr. 13/85
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General.....		183/81	Apr. 11/81
(expired)			
General.....		195/82	Apr. 17/82
(expired)			
General.....		163/83	Apr. 9/83
(expired)			
General.....		256/84	May 12/84
(expired)			
General.....		176/85	May 4/85
(revoked by 231/86)			
General.....		231/86	May 17/86
OPERATING ENGINEERS ACT			
General.....	740		
amended.....		180/82	Apr. 10/82
amended.....		406/82	June 26/82
amended.....		639/83	Oct. 29/83
amended.....		745/83	Dec. 17/83
amended.....		283/84	May 19/84
amended.....		532/86	Sept. 20/86
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General.....	741		
amended.....		401/84	July 7/84
P			
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amended.....		611/83	Oct. 15/83
amended.....		273/86	May 24/86

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(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Land Use Regulations -			
County of Halton (now The Regional Municipality of Halton), City of Burlington.....	*482/81		
amended.....	55/81	Feb.	21/81
amended.....	87/81	Mar.	14/81
amended.....	145/81	Mar.	28/81
amended.....	147/81	Apr.	4/81
amended.....	275/81	May	16/81
amended.....	420/81	July	11/81
amended.....	468/81	July	25/81
amended.....	544/81	Sept.	5/81
amended.....	604/81	Sept.	19/81
amended.....	605/81	Sept.	19/81
amended.....	724/81	Nov.	14/81
amended.....	725/81	Nov.	14/81
amended.....	826/81	Dec.	26/81
amended.....	25/82	Feb.	13/82
amended.....	32/82	Feb.	13/82
amended.....	482/82	July	31/82
amended.....	566/82	Sept.	4/82
amended.....	757/82	Dec.	4/82
amended.....	818/82	Jan.	1/83
amended.....	201/83	Apr.	23/83
amended.....	202/83	Apr.	23/83
amended.....	318/83	June	11/83
amended.....	346/83	June	25/83
amended.....	578/83	Oct.	1/83
amended.....	767/83	Dec.	24/83
amended.....	106/84	Mar.	3/84
amended.....	159/84	Mar.	24/84
amended.....	304/84	May	26/84
amended.....	341/84	June	16/84
amended.....	457/84	Aug.	4/84
amended.....	504/84	Aug.	25/84
amended.....	519/84	Sept.	8/84
amended.....	561/84	Sept.	15/84
amended.....	53/85	Feb.	16/85
amended.....	173/85	Apr.	27/85
amended.....	199/85	May	25/85
amended.....	428/85	Sept.	14/85
amended.....	28/86	Feb.	8/86
amended.....	96/86	Mar.	8/86
amended.....	99/86	Mar.	15/86
amended.....	327/86	June	28/86

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amended.....		328/86	June 28/86
amended.....		562/86	Oct. 11/86
amended.....		682/86	Dec. 13/86
County of Halton (now The Regional Municipality of Halton), Town of			
revoked.....	*480/73	261/86	May 24/86
County of Halton (now part of the regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of			
amended.....	*481/73		
amended.....	15/81	Feb.	7/81
amended.....	146/81	Apr.	4/81
amended.....	184/81	Apr.	11/81
amended.....	192/81	Apr.	18/81
amended.....	258/81	May	16/81
amended.....	265/81	May	16/81
amended.....	317/81	May	30/81
amended.....	386/81	June	27/81
amended.....	419/81	July	11/81
amended.....	449/81	July	18/81
amended.....	598/81	Sept.	19/81
amended.....	709/81	Nov.	7/81
amended.....	362/82	June	12/82
amended.....	377/82	June	19/82
amended.....	505/82	Aug.	7/82
amended.....	704/82	Nov.	6/82
amended.....	705/82	Nov.	6/82
amended.....	706/82	Nov.	6/82
amended.....	707/82	Nov.	6/82
amended.....	817/82	Jan.	1/83
amended.....	88/83	Feb.	26/83
amended.....	116/83	Mar.	19/83
amended.....	136/83	Mar.	26/83
amended.....	356/83	July	2/83
amended.....	363/83	July	9/83
amended.....	444/83	July	23/83
amended.....	471/83	Aug.	11/83
amended.....	635/83	Oct.	15/83
amended.....	715/83	Nov.	26/83
amended.....	232/84	Apr.	28/84
amended.....	305/84	May	26/84
amended.....	306/84	May	26/84
amended.....	586/84	Sept.	29/84
amended.....	643/84	Oct.	27/84
amended.....	690/84	Nov.	17/84
amended.....	341/85	July	6/85
amended.....	461/85	Sept.	28/85
amended.....	615/85	Dec.	14/85
amended.....	15/86	Feb.	1/86
amended.....	27/86	Feb.	8/86
amended.....	199/86	Apr.	26/86
amended.....	356/86	July	5/86
amended.....	408/86	July	26/86
County of Peel (now The Regional Municipality of Peel), Town of Mississauga (now part of the cities of Brampton and			

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amended.....	60/81	Feb.	21/81
amended.....	198/81	Apr.	18/81
amended.....	240/81	May	9/81
amended.....	244/81	May	9/81
amended.....	245/81	May	9/81
amended.....	319/81	May	30/81
amended.....	329/81	June	6/81
amended.....	464/81	July	25/81
amended.....	537/81	Aug.	29/81
amended.....	715/82	Nov.	13/82
amended.....	119/83	Mar.	19/83
amended.....	203/83	Apr.	23/83
amended.....	370/84	June	30/84
amended.....	772/84	Dec.	22/84
amended.....	383/85	Aug.	10/85
amended.....	617/85	Dec.	14/85
amended.....	407/86	July	26/86
County of Peel (now The Regional Municipality of Peel), Township of Toronto Gore (now the City of Brampton).....	*476/73		
amended.....	763/81	Nov.	28/81
amended.....	33/82	Feb.	13/82
amended.....	726/83	Dec.	10/83
revoked.....	32/85	Feb.	9/85
County of Peel (now The Regional Municipality of Peel), Township of Chinguacousy (now the City of Brampton).....	*477/73		
amended.....	691/81	Nov.	7/81
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas.....	*496/73		
amended.....	354/81	June	13/81
amended.....	1/82	Jan.	23/82
amended.....	693/82	Nov.	6/82
amended.....	26/83	Jan.	29/83
amended.....	728/83	Dec.	10/83
amended.....	432/84	July	21/84
amended.....	313/85	June	22/85
amended.....	187/86	Apr.	19/86
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of East Flamborough (now the Township of Flamborough).....	*483/73		
amended.....	90/83	Feb.	26/83
amended.....	439/83	July	23/83
amended.....	787/84	Dec.	29/84
amended.....	197/85	May	18/85
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough).....	*484/73		
amended.....	483/82	July	31/82
amended.....	617/82	Oct.	2/82
amended.....	133/83	Mar.	26/83

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amended.....	134/83	Mar.	26/83
amended.....	135/83	Mar.	26/83
amended.....	213/83	Apr.	30/83
amended.....	485/83	Aug.	20/83
amended.....	582/83	Oct.	1/83
amended.....	727/83	Dec.	10/83
amended.....	90/85	Mar.	9/85
amended.....	314/85	June	22/85
amended.....	528/85	Nov.	9/85
amended.....	12/86	Feb.	1/86
amended.....	228/86	May	17/86
amended.....	406/86	July	26/86
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough).....	*485/73		
amended.....	652/86	Nov.	22/86
Municipality of Metropolitan Toronto, Borough of Etobicoke (now the City of Etobicoke).....	*478/73		
amended.....	506/82	Aug.	7/82
amended.....	95/83	Mar.	5/83
amended.....	328/83	June	18/83
amended.....	523/83	Sept.	3/83
amended.....	655/84	Nov.	3/84
amended.....	227/86	May	17/86
amended.....	697/86	Dec.	20/86
Regional Municipality of York, Town of Markham.....	*473/73		
amended.....	282/81	May	23/81
amended.....	443/81	July	11/81
amended.....	582/81	Sept.	12/81
amended.....	432/82	July	3/82
amended.....	437/82	July	10/82
amended.....	470/82	July	24/82
amended.....	513/82	Aug.	14/82
amended.....	593/82	Sept.	18/82
amended.....	317/83	June	11/83
amended.....	489/83	Aug.	20/83
amended.....	491/83	Aug.	20/83
amended.....	634/83	Oct.	10/83
amended.....	718/83	Dec.	3/83
amended.....	770/83	Dec.	24/83
amended.....	11/84	Jan.	28/84
amended.....	171/84	Apr.	7/84
amended.....	689/84	Nov.	17/84
amended.....	442/85	Sept.	21/85
amended.....	498/85	Oct.	26/85
amended.....	533/85	Nov.	9/85
amended.....	586/85	Nov.	30/85
amended.....	639/85	Dec.	21/85
amended.....	30/86	Feb.	8/86
amended.....	36/86	Feb.	15/86
amended.....	218/86	May	10/86
amended.....	355/86	July	5/86
amended.....	361/86	July	5/86
amended.....	401/86	July	19/86



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amended.....		465/86	Aug. 23/86
amended.....		534/86	Sept. 20/86
amended.....		601/86	Oct. 25/86
amended.....		625/86	Nov. 15/86
Regional Municipality of York, Town of Richmond Hill.....		*474/73	
amended.....		508/82	Aug. 7/82
amended.....		472/84	Aug. 11/84
amended.....		521/84	Sept. 1/84
amended.....		472/85	Oct. 5/85
Regional Municipality of York, Town of Vaughan.....		*475/73	
amended.....		79/81	Mar. 7/81
amended.....		49/82	Feb. 20/82
amended.....		189/82	Apr. 10/82
amended.....		376/82	June 19/82
amended.....		387/82	June 19/82
amended.....		433/82	July 10/82
amended.....		434/82	July 10/82
amended.....		469/82	July 24/82
amended.....		507/82	Aug. 7/82
amended.....		620/82	Oct. 9/82
amended.....		104/83	Mar. 12/83
amended.....		413/83	July 16/83
amended.....		546/83	Sept. 10/83
revoked.....		315/84	June 2/84
Parkway Belt Planning Area.....	744		
<b>PARTNERSHIPS REGISTRATION ACT</b>			
General.....	745		
amended.....		204/84	Apr. 14/84
<b>PENSION BENEFITS ACT</b>			
Exemption.....		166/81	Apr. 4/81
Exemption..... (revoked by 323/85)		315/82	May 22/82
Exemption.....		323/85	July 6/85
General.....	746		
amended.....		101/81	Mar. 14/81
amended.....		262/82	May 8/82
amended.....		500/83	Aug. 27/83
amended.....		73/84	Feb. 18/84
amended.....		620/84	Oct. 20/84
amended.....		680/85	Jan. 4/86
amended.....		353/86	June 28/86
amended.....		692/86	Dec. 13/86
<b>PERSONAL PROPERTY SECURITY ACT</b>			
Branch Offices.....	747		
amended.....		616/84	Oct. 20/84

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Fees Concerning Security Documents.....	748		
amended.....		137/84	Mar. 17/84
amended.....		249/86	May 17/86
amended.....	749	838/81	Jan. 2/82
Personal Property Security Assurance Ind.....	750		
PESTICIDES ACT			
General.....	751		
amended.....		252/81	May 16/81
amended.....		616/81	Oct. 3/81
amended.....		756/81	Nov. 28/81
amended.....		161/82	Apr. 3/82
amended.....		70/84	Feb. 18/84
amended.....		731/84	Dec. 1/84
amended.....		269/85	June 15/85
amended.....		545/85	Nov. 16/85
amended.....		562/85	Nov. 23/85
amended.....		147/86	Apr. 5/86
amended.....		173/86	Apr. 12/86
amended.....		223/86	May 10/86
amended.....		238/86	May 17/86
PETROLEUM RESOURCES ACT			
Exploration, Drilling and Production.....	752		
amended.....		35/82	Feb. 13/82
Protection of Designated Gas Storage Areas....		666/85	Jan. 4/86
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.....	753		
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.....		622/83	Oct. 15/83
.....	760		
Egremont (Township of).....	761		
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Enniskillen 6-15-II.....		485/86	Aug. 30/86
.....		577/86	Oct. 11/86

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Gosfield South (Township of).....	764		
Hemlock Pool.....	765		
Innerkip East Pool.....	766		
Innerkip Pool.....	767		
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Malden (Township of).....	769		
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Mersea 1-15-B Pool.....		1/85	Jan. 26/85
Moore (Township of).....	770		
Osborne Pool.....	771		
Otter Creek East Pool.....	772		
Otter Creek Pool.....	773		
Oxley Field.....	774		
Plympton 5-19-VI Pool.....	775		
Revallee, Rochester 1-20-V (EBR) Pool.....		14/86	Feb. 1/86
Ruscom River Pool.....	776		
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Terminus North Pool.....	778		
Townsend Pool.....	779		
Venison Creek Pool.....	780		
Verschoyle West Pool.....	781		
Wilsonville Pool.....	782		
Wilsonville South Pool.....	783		

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General.....	784		
amended.....		157/81	Apr. 4/81
amended.....		323/81	May 30/81
amended.....		424/84	July 14/84
amended.....		29/86	Feb. 8/86
amended.....		155/86	Apr. 12/86

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<b>PLANNING ACT</b> (See now <u>Planning Act, 1983</u> )			
Delegation of Authority of Minister under Section 53 of the Planning Act			
- Condominium Plans..... (revoked by 475/83)		324/81	May 30/81
- Condominium Plans..... (revoked by 475/83)		147/83	Apr. 2/83
- Subdivision Plans..... (revoked by 476/83)		78/82	Mar. 6/82
NOTE: For Delegation of Authority Withdrawals see "Withdrawals of Delegation of Authority of Minister under....."			
Notice Requirements -			
Restricted Area By-Laws..... (revoked by 404/83)	785		
Order of the Minister under Section 30 of the Planning Act			
Town of Fort Erie in The Regional Municipality of Niagara, Lot 15 and parts of lots 14 and 16, Plan Number 10.....		2/81	Jan. 24/81
City of London in the County of Middlesex, Lot 35, Plan Number 630.....		3/81	Jan. 24/81
Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number 10.....		8/81	Jan. 31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 10.....		12/81	Feb. 7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624.....		17/81	Feb. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 10.....		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 10.....		54/81	Feb. 21/81
Town of Coderich in the County of Huron, lots 865 and 866, lots 888 and lots 889.....		74/81	Mar. 7/81

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City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95 .....		124/81	Mar. 21/81
Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094.....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
Town of Newcastle, formerly in the Township of Darlington, in the County of Durham, Lot 23, Concession III.....		234/81	May 2/81
Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
Township of Rama in the County of Simcoe, Lot 19, Concession F.....		262/81	May 16/81
Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81
Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May 16/81
Township of Verulam in the County of Victoria, Lot 11, Concession IV, Plan Number RD60.....		351/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 314 and 315, Plan Number 1813.....		356/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 17 and 18, Plan Number 847.....		357/81	June 13/81
Township of Essa in the County of Simcoe, Part of the East Half of Lot 19, Concession IV, Plan Number 51R-478..... amended.....		391/81 530/86	June 27/81 Sept. 20/86

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Township of Wainfleet in The Regional Municipality of Niagara, formerly in the County of Welland, Parts of Lots 19 and 20, Concession III, Plan Number 275A.....	392/81	June	27/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the County of Welland, Part of Block F, Corporation Plan No. 24, Plan Number 1 Plan 505.....	393/81	June	27/81
Township of Amaranth in the County of Dufferin, Lot 1, Concession IX.....	403/81	July	4/81
Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 51F-10.....	411/81	July	4/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 4, Cross Concession.....	450/81	July	18/81
City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 106D.....	485/81	Aug.	8/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....	486/81	Aug.	8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....	488/81	Aug.	8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....	528/81	Aug.	29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....	542/81	Sept.	5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)	577/81	Sept.	12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Plan Number 402.....	585/81	Sept.	12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....	612/81	Oct.	3/81

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City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....		618/81	Oct. 10/81
Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....		632/81	Oct. 17/81
Township of Rama in the County of Simcoe, Lot 5, Concession L.....		674/81	Oct. 24/81
Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....		676/81	Oct. 31/81
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-1, Section MA-2..... (revoked by 861/81)		677/81	Oct. 31/81
City of Toronto and partly in the Borough of York, formerly in the Township of York, Plan No. 1885.....		714/81	Nov. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 2, Concession II.....		780/81	Dec. 5/81
Township of Tay in the County of Simcoe, Lot 14, Plan Number 87, Part 5, Plan Number 51R-1278.....		782/81	Dec. 5/81
Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....		783/81	Dec. 5/81
Town of Wasaga Beach in the County of Simcoe, Lot 26, Plan Number 1576.....		797/81	Dec. 12/81
Town of Wasaga Beach, formerly in the Village of Wasaga Beach, in the County of Simcoe, part of Lot 6, Concession XVI, Plan Number 51R-553.....		840/81	Jan. 2/82
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-7 for Section MA-2!.....		861/81	Jan. 9/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		869/81	Jan. 16/82



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Township of Emily in the County of Victoria, Lot 13, Concession I, Plan Number RD-44.....		6/82	Jan. 30/82
Township of Tay in the County of Simcoe, part of Lot 112, Concession II, Plan Number 51R-1231.....		51/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		64/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		65/82	Feb. 20/82
Township of Tay in the County of Simcoe, part of Lot 13, Plan Number 51R-1276.....		80/82	Mar. 6/82
Township of Cardiff in the Provisional County of Haliburton, part of Lot 24, Concession VI.....		81/82	Mar. 6/82
Township of Bedford in the County of Frontenac, part of Lot 31, Concession VII.....		87/82	Mar. 6/82
City of North York in The Municipality of Metropolitan Toronto, part of Lot 64, Plan Number 7611.....		112/82	Mar. 13/82
City of North York in The Municipality of Metropolitan Toronto, Lot 65, Plan Number 7611.....		113/82	Mar. 13/82
Township of Uxbridge in The Regional Municipality of Durham in the County of Ontario, part of Lot 14, Concession VII, Plan Number 41.....		143/82	Mar. 27/82
Town of Wasaga Beach in the County of Simcoe, Lot 43, Plan Number 1766.....		163/82	Apr. 3/82
Township of Tay in the County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463..... (revoked by 453/82)		164/82	Apr. 3/82
Township of Scougog in The Regional Municipality of Durham, Lot 5, Concession X, Plan Number 1766.....		175/82	Apr. 10/82
Township of Tay in the County of Simcoe, lots 13 and 14, Plan Number 51R-1276.....		192/82	Apr. 17/82

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Township of Georgina in The Regional Municipality of York, Lot 11, Concession III, Plan Number 96766E.....		193/82	Apr. 17/82
City of Mississauga in The Regional Municipality of Peel, Lot 162, Plan Number 774.....		280/82	May 15/82
City of Mississauga in The Regional Municipality of Peel, Lot 5, Concession I, Plan Number 43E-3620.....		292/82	May 22/82
Town of Wasaga Beach, County of Simcoe, Lot 6, Concession XVI, Plan Number 25-69.....		301/82	May 22/82
Township of Smith in the County of Peterborough, Lot 27, Concession XIV, Plan Number 45R-4201.....		316/82	May 29/82
Town of Parry Sound, Territorial District of Parry Sound, Lots 114 and 115 on Westside of Highview Street, Plan Number 125.....		332/82	June 5/82
Township of Mariposa, County of Victoria, Lot 40, Plan Number 55.....		371/82	June 19/82
Township of Southwold, County of Elgin, Lot 45, Plan Number I-511.....		372/82	June 19/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 55..... revoked.....		381/82 435/82	June 19/82 July 10/82
Township of Essa in the County of Simcoe, Lot 19 in Concession IV, Plan Number 478.....		402/82	June 26/82
Town of Wasaga Beach, formerly in the Township of Sunnidale, in the County of Simcoe, Lot 5, Concession XV, Plan Number 51R-1316.....		420/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 19, Plan Number 295.....		421/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 20, Plan Number 295.....		422/82	July 3/82
Township of Normandy, County of Grey, Lot 30, Concession XIII.....		427/82	July 3/82

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Township of Beaucage in the Territorial District of Nipissing, Lot 12, Concession I, Plan Number P-2259.....		446/82	July 17/82
Township of Lindsay, County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		452/82	July 17/82
Township of Tay, County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463.....		453/82	July 17/82
Township of Leamington, County of Essex, Lot 10, Plan Number 198.....		461/82	July 24/82
Village of Elora, County of Wellington Wellington South (No.61), Plan Number 181.....		481/82	July 31/82
Township of London, County of Middlesex, Concession XI.....		493/82	Aug. 7/82
Township of Matchedash, County of Simcoe, Lot 20, Concession VIII.....		510/82	Aug. 14/82
Village of Elora, County of Wellington, Wellington South (No.61) as Number 181, Plan Number WSR-1.....		511/82	Aug. 14/82
Township of Himsworth South, District of Parry Sound, Lot 11, Concession XVII, Number PSR, Plan Number.....		512/82	Aug. 14/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Plan Number VI.....		578/82	Sept. 11/82
Town of Halton Hills, The Regional Municipality of Halton (formerly the Town of Acton in the County of Halton) Lot 40, Plan Number 772.....		603/82	Sept. 25/82
Township of West Lincoln, The Regional Municipality of Niagara (Formerly in the Township of Gainsborough, County of Lincoln) Lot 10, Plan Number VII.....		605/82	Sept. 25/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Plan Number VI.....		666/82	Oct. 23/82
Township of Innisfil, County of Simcoe, Lot 30, Concession XIII, Plan Number RD-622..... (revoked by 4/83)		675/82	Oct. 23/82
Township of Adjala in the County of Simcoe, Plan Number RD-622.....		691/82	Oct. 30/82
Township of Innisfil in the County of Simcoe, Lot 26, Concession XI.....		699/82	Nov. 6/82

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Township of Bayham in the County of Elgin.....		735/82	Nov. 20/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV.....		756/82	Dec. 4/82
Township of Tudhope in the Territorial District of Timiskaming, Lot 11, Concession 1, Plan Number 54R-1327.....		759/82	Dec. 4/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-11213.....		763/82	Dec. 4/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		764/82	Dec. 4/82
Township of Cramahe in the County of Northumberland, Lots 14, 15 and 16 in Concession IV.....		788/82	Dec. 4/82
Township of Brant in the County of Bruce, Lot 30, Concession II.....		811/82	Jan. 1/83
Township of Innisfil in the County of Simcoe, Part of Broken, Lot 30, Concession XIII and Part of Lot 39 and Block G, Plan Number 660.....		4/83	Jan. 22/83
Town of Wasaga Beach (formerly in the township of Sunnidale) in the County Simcoe, Lot 6, Concession XVI, Plan Number 534.....		18/83	Jan. 29/83
Town of Rayside - Balfour in The Regional Municipality of Sudbury, Lot 1, Concession III, Plan Number 53R-3792.....		52/83	Feb. 5/83
Town of Lindsay, formerly in the Township of Ops, in the County of Victoria, east half of Lot 20 in Concession IV, Plan Number 97956; Lot 20, Concession IV, Plan Number 13415.....		59/83	Feb. 5/83
Town of Onaping Falls formerly in the Township of Dowling, in The Regional Municipality of Sudbury, Lot 10, Concession IV.....		89/83	Feb. 26/83
Town of Wasaga Beach, formerly in the Township of Nottawasaga, County of Simcoe, Lot 8, Plan Number 862.....		105/83	Mar. 12/83

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Town of Fort Erie in The Regional Municipality of Niagara, parts of Lots 13 and 14, Plan Number 328 for the Town of Fort Erie and Plan Number 2371 for the former Township of Bertie, now known as Plan Number 992.....		109/83	Mar. 12/83
City of Cornwall in the United Counties of Stormont, Dundas and Glengarry, Lot 7, Concession 1.....		110/83	Mar. 19/83
Township of Wolford in the United Counties of Leeds and Grenville, Lot 10, Concession II.....		111/83	Mar. 19/83
Township of Orillia in the County of Simcoe, Lot 2 Concession 1, Plan Number 478.....		115/83	Mar. 19/83
Township of Dack, in the Territorial District of Timiskaming, Parcel 17567, South Section Timiskaming.....		143/83	Mar. 26/83
Township of Tay in the County of Simcoe, part of Lot 13 Plan Number 51P-1278.....		181/83	Apr. 16/83
Town of Wasaga Beach in the County of Simcoe, Lot 40 Plan Number 1700.....		182/83	Apr. 16/83
Township of Croft in the Territorial District of Parry Sound, Lots 21 and 22, Concession III, Plan Number 15P-1904.....		207/83	Apr. 23/83
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, part of Lot 125 Plan Number 200.....		216/83	Apr. 30/83
Township of Hagerman in the Territorial District of Parry Sound, parts of Lots 28, 29 and 30 in Concession VII Plan Number 1.....		217/83	Apr. 30/83
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Village of Crystal Beach in the County of Welland, part of Block P Plan Number 1.....		243/83	May 14/83

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Township of Evanturel in the Territorial District of Timiskaming, part of the south half of Lot 7 in Concession I.....		249/83	May	14/83
Townships of Belmont and Methuen, formerly in the Township of Methuen, in the County of Peterborough, parts of Lot 30 in Concession IX.....		315/83	June	11/83
Township of Mariposa in the County of Victoria, part of Lot 1 in Concession C, part 6 Number R.D. 200 Lot 11 Number 547.....		327/83	June	18/83
Township of Howard in the County of Kent, half Lot 22, Number 19, 17.....		329/83	June	18/83
Township of Mariposa in the County of Victoria part of Lot 8 in Concession A Number 5, 11, 12.....		352/83	June	25/83
Town of Goderich in the County of Huron West half of Lot 376 Plan Number 457.....		357/83	July	2/83
Town of Huntsville in the District Municipality of Muskoka, formerly in the Township of Chaffey in the District of Muskoka, Part of Lot 11, Concession III Township of Chaffey Part 18, Plan Number BR-1048.....		420/83	July	16/83
Town of Aylmer in the County of Elgin Lots 1, 2, 3, 4 and 5 of Plan 301.....		421/83	July	16/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		467/83	Aug.	6/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		468/83	Aug.	6/83
Township of Fenelon in the County of Victoria part of Lot 30 in Concession VII.....		472/83	Aug.	13/83
Township of Georgina, in The Regional Municipality of York, formerly in the County of York, part of Lot Numbers 22 and 23 in Concession 1.....		518/83	Aug.	27/83

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City of Mississauga in The Regional Municipality of Peel (formerly in the Township of Toronto, in the County of Peel) part of Block B, Plan Number 680.....		519/83	Aug. 27/83
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Restricted Areas - (now zoning)			
County of Brant,			
Township of Brantford.....		*295/74	
Township of Brantford (revoking Reg.).....		695/82	Nov. 6/82
County of Bruce,			
Township of Brant (revoking Reg.).....		747/82	Nov. 27/82
Township of Carrick.....		*274/74	
amended.....		358/83	July 2/83
Township of Huron (revoking Reg.).....		746/82	Nov. 27/82
Town of Kincardine (revoking Reg.).....		748/82	Nov. 27/82
County of Elgin,			
Township of Bayham (*284/74)			
amended.....		738/81	Nov. 21/81
revoked.....		799/82	Dec. 25/82
Township of Malahide (revoking Reg.)...		588/82	Sept. 18/82
County of Essex,			
Township of Colchester South (revoking Reg.).....		176/82	Apr. 10/82
Township of Mersea (revoking Reg.).....		632/82	Oct. 9/82
Township of Tilbury North.....		*674 of R.R.O.	1970
amended.....		701/83	Nov. 19/83
County of Frontenac,			
Township of Bedford (revoking Reg.)....		159/81	Apr. 4/81
County of Grey,			
Township of ... ..		*294/74	
County of Haliburton,			
Township of Cardiff (revoking Reg.)....		604/82	Sept. 25/82
County of Hastings,			
Township of Sidney (revoking Reg.).....		305/82	May 22/82
Township of ... ..		*218/83	
amended.....		218/83	Apr. 30/83
amended.....		593/84	Oct. 6/84



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County of Huron, Township of East Wawanosh (revoking Reg.).....		238/82	May 1/82
Township of Hay (revoking Reg.).....		241/82	May 1/82
Township of Morris (revoking Reg.).....		239/82	May 1/82
Township of Stephen.....		*289/74	
amended.....		410/81	July 4/81
Township of Turnberry (revoking Reg.).....		240/82	May 1/82
Township of Usborne.....		*287/74	
County of Kent, Township of Camden (revoking Reg.).....		214/82	Apr. 24/82
Township of Chatham (*10/73) amended.....		752/81	Nov. 28/81
amended.....		809/81	Dec. 19/81
amended.....		587/82	Sept. 18/82
revoked.....		642/82	Oct. 16/82
Township of Harwich.....		69/81	Mar. 7/81
Township of Raleigh (revoking Reg.).....		68/81	Mar. 7/81
Township of Raleigh.....		70/81	Mar. 7/81
County of Lambton, Township of Bosanquet (revoking Reg.).....		100/82	Mar. 6/82
Township of Moore.....		250/83	May 14/83
(revoking Reg.).....		211/85	June 1/85
Township of Warwick.....		*281/74	
amended.....		851/81	Jan. 9/82
County of Lanark, Township of Drummond (revoking Reg.).....		531/81	Aug. 29/81
County of Leeds and Grenville, Township of Front of Leeds and Lansdowne (revoking Reg.).....		547/82	Aug. 21/82
Township of Oxford (on Rideau).....		372/77	
amended.....		22/81	Feb. 14/81
revoked.....		708/86	Dec. 20/86
Township of South Elmsley.....		*310/74	
Township of South Gower.....		371/77	
County of Northumberland, Township of Murray (revoking Reg.).....		862/81	Jan. 16/82

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County of Ontario (now The Regional Municipality of Durham), Township of Pickering (now the Town of Pickering).....	*102/72		
amended.....	208/81	Apr.	18/81
amended.....	209/81	Apr.	25/81
amended.....	833/81	Jan.	2/82
amended.....	852/81	Jan.	9/82
amended.....	165/82	Apr.	3/82
amended.....	492/82	Aug.	7/82
amended.....	64/83	Feb.	12/83
amended.....	93/83	Feb.	26/83
amended.....	194/83	Apr.	16/83
amended.....	283/83	May	28/83
amended.....	291/83	May	28/83
amended.....	310/83	June	4/83
amended.....	311/83	June	4/83
amended.....	469/83	Aug.	6/83
amended.....	114/84	Mar.	10/84
amended.....	608/84	Oct.	13/84
amended.....	66/85	Feb.	23/85
amended.....	67/85	Feb.	23/85
amended.....	202/85	May	25/85
amended.....	372/85	July	27/85
amended.....	390/85	Aug.	17/85
amended.....	393/85	Aug.	17/85
amended.....	468/85	Oct.	5/85
amended.....	522/85	Nov.	2/85
amended.....	34/86	Feb.	15/86
amended.....	74/86	Mar.	1/86
amended.....	101/86	Mar.	15/86
amended.....	110/86	Mar.	22/86
amended.....	235/86	May	17/86
amended.....	236/86	May	17/86
amended.....	262/86	May	24/86
amended.....	403/86	July	26/86
amended.....	404/86	July	26/86
amended.....	469/86	Aug.	23/86
amended.....	535/86	Sept.	20/86
amended.....	612/86	Oct.	25/86
amended.....	732/86	Jan.	3/87
Township of Uxbridge.....	*103/72		
amended.....	538/81	Aug.	29/81
amended.....	426/82	July	3/82
amended.....	584/83	Oct.	1/83
revoked.....	506/84	Aug.	25/84
County of Oxford, Township of Tillsonburg.....	*347/74		
County of Perth, Township of Elma (revoking Reg.).....	182/82	Apr.	10/82
Township of Wallace (revoking Reg.)....	183/82	Apr.	10/82
County of Peterborough, Township of North Monaghan.....	377/77		

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Township of Smith.....	710/79		
amended.....	319/85	June	29/85
revoked.....	590/85	Dec.	7/85
Township of Smith.....	879/79		
amended.....	320/85	June	29/85
revoked.....	589/85	Dec.	7/85
County of Prescott and Russell, Township of West Hawkesbury.....	*321/74		
revoked.....	721/84	Nov.	24/84
County of Prince Edward, Township of North Marysburgh (revoking Reg.).....	812/81	Dec.	19/81
Township of Sophiasburgh (revoking Reg.).....	606/82	Nov.	6/82
County of Renfrew, Township of Admaston.....	*316/74		
revoked.....	731/86	Dec.	27/86
Township of Alice and Fraser.....	*314/74		
revoked.....	730/86	Dec.	27/86
Township of Horton.....	*317/74		
revoked.....	520/84	Sept.	1/84
Township of McNab.....	*311/74		
amended.....	437/81	July	11/81
revoked.....	728/86	Dec.	27/86
Township of Pembroke.....	*315/74		
revoked.....	519/84	Sept.	1/84
Township of Rolph, Buchanan, Wylie and McKay.....	*312/74		
revoked.....	729/86	Dec.	27/86
Township of Stafford (revoking Reg.)...	697/82	Nov.	6/82
County of Simcoe, Township of Essa.....	*299/74		
Township of Innisfil.....	1034/80		
amended.....	20/82	Feb.	6/82
amended.....	5/84	Jan.	21/84
revoked.....	425/85	Sept.	14/85
Township of Innisfil.....	675/81	Oct.	24/81
amended.....	438/82	July	10/82
amended.....	621/82	Oct.	9/82
amended.....	719/82	Nov.	13/82
amended.....	284/83	May	28/83
amended.....	319/83	June	11/83
amended.....	498/83	Aug.	20/83
amended.....	786/83	Jan.	7/84
amended.....	39/84	Feb.	11/84
amended.....	76/84	Feb.	25/84
amended.....	673/84	Nov.	10/84

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amended.....	740/84	Dec.	8/84
amended.....	25/85	Feb.	9/85
amended.....	340/85	July	6/85
amended.....	377/85	Aug.	3/85
revoked.....	415/85	Aug.	31/85
Township of Nottawasaga.....	*675 of R.R.O.	1970	
amended.....	185/81	Apr.	11/81
amended.....	237/81	May	2/81
amended.....	366/81	June	20/81
amended.....	367/81	June	20/81
amended.....	474/81	Aug.	1/81
amended.....	518/81	Aug.	22/81
amended.....	545/81	Sept.	5/81
amended.....	624/81	Oct.	10/81
amended.....	684/81	Oct.	31/81
amended.....	878/81	Jan.	16/82
amended.....	56/82	Feb.	20/82
amended.....	101/82	Mar.	6/82
amended.....	142/82	Mar.	27/82
amended.....	373/82	June	19/82
amended.....	378/82	June	19/82
amended.....	395/82	June	26/82
amended.....	462/82	July	24/82
amended.....	509/82	Aug.	14/82
amended.....	557/82	Aug.	28/82
amended.....	585/82	Sept.	18/82
amended.....	586/82	Sept.	18/82
amended.....	631/82	Oct.	9/82
amended.....	662/82	Oct.	23/82
amended.....	703/82	Nov.	6/82
amended.....	65/83	Feb.	12/83
amended.....	117/83	Mar.	19/83
amended.....	262/83	May	21/83
amended.....	312/83	June	4/83
amended.....	313/83	June	4/83
amended.....	354/83	July	2/83
amended.....	390/83	July	9/83
amended.....	391/83	July	9/83
amended.....	449/83	July	30/83
amended.....	534/83	Sept.	10/83
amended.....	535/83	Sept.	10/83
amended.....	536/83	Sept.	10/83
amended.....	537/83	Sept.	10/83
amended.....	574/83	Sept.	24/83
amended.....	694/83	Nov.	19/83
amended.....	111/84	Mar.	10/84
amended.....	118/84	Mar.	10/84
amended.....	119/84	Mar.	10/84
amended.....	213/84	Apr.	28/84
amended.....	330/84	June	9/84
amended.....	336/84	June	9/84
amended.....	483/84	Aug.	18/84
amended.....	484/84	Aug.	18/84
amended.....	485/84	Aug.	18/84
amended.....	505/84	Aug.	25/84
amended.....	609/84	Oct.	13/84
amended.....	646/84	Oct.	27/84
amended.....	672/84	Nov.	10/84
amended.....	727/84	Nov.	24/84
amended.....	793/84	Dec.	29/84

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amended.....	800/84	Jan.	5/85
amended.....	16/85	Feb.	9/85
amended.....	141/85	Apr.	20/85
amended.....	175/85	May	4/85
amended.....	195/85	May	18/85
amended.....	200/85	May	25/85
amended.....	244/85	June	8/85
amended.....	368/85	July	20/85
amended.....	384/85	Aug.	10/85
amended.....	385/85	Aug.	10/85
amended.....	392/85	Aug.	17/85
amended.....	455/85	Sept.	28/85
amended.....	456/85	Sept.	28/85
amended.....	457/85	Sept.	28/85
amended.....	485/85	Oct.	19/85
amended.....	486/85	Oct.	19/85
amended.....	587/85	Nov.	30/85
amended.....	5/86	Jan.	25/86
amended.....	107/86	Mar.	22/86
amended.....	185/86	Apr.	19/86
amended.....	186/86	Apr.	19/86
amended.....	230/86	May	17/86
amended.....	312/86	June	14/86
amended.....	313/86	June	14/86
amended.....	346/86	June	28/86
amended.....	347/86	June	28/86
amended.....	348/86	June	28/86
amended.....	349/86	June	28/86
amended.....	378/86	July	12/86
amended.....	405/86	July	26/86
amended.....	415/86	Aug.	2/86
amended.....	471/86	Aug.	23/86
amended.....	515/86	Sept.	20/86
amended.....	529/86	Sept.	20/86
amended.....	560/86	Oct.	11/86
amended.....	561/86	Oct.	11/86
amended.....	593/86	Oct.	18/86
amended.....	626/86	Nov.	15/86
amended.....	627/86	Nov.	15/86
amended.....	653/86	Nov.	22/86
amended.....	678/86	Dec.	13/86
amended.....	679/86	Dec.	13/86
Township of Nottawasaga.....	302/82	May	22/82
Township of Tay (revoking Reg.).....	148/81	Apr.	4/81
Township of Tecumseth.....	*300/74		
amended.....	616/82	Oct.	2/82
revoked.....	314/84	June	2/84
Township of Tiny.....	190/81	Apr.	11/81
amended.....	728/84	Dec.	1/84
revoked.....	126/85	Apr.	13/85
Township of Vespra.....	*62/73		
amended.....	202/81	Apr.	18/81
amended.....	274/81	May	16/81
amended.....	307/81	May	23/81
amended.....	491/81	Aug.	8/81
amended.....	492/81	Aug.	8/81

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amended.....	519/81	Aug.	22/81
amended.....	374/82	June	19/82
amended.....	375/82	June	19/82
amended.....	765/82	Dec.	4/82
amended.....	5/83	Jan.	22/83
amended.....	761/83	Dec.	17/83
amended.....	771/83	Dec.	24/83
amended.....	528/84	Sept.	1/84
amended.....	770/84	Dec.	22/84
amended.....	771/84	Dec.	22/84
amended.....	125/85	Apr.	13/85
amended.....	196/85	May	18/85
amended.....	387/85	Aug.	10/85
amended.....	643/85	Dec.	28/85
amended.....	106/86	Mar.	22/86
amended.....	357/86	July	5/86
amended.....	470/86	Aug.	23/86
amended.....	733/86	Jan.	3/87
County of Victoria, Township of Ops (revoking Reg.).....	715/81	Nov.	7/81
District of Algoma, Geographic townships of Cobden, Striker, Scarfe and Mack.....	409/82	June	26/82
amended.....	332/83	June	18/83
amended.....	376/85	Aug.	3/85
Geographic townships of Lewis, Long, Shedden, Spragge and Striker.....	*662 of R.R.O. 1970		
amended.....	370/82	June	12/82
amended.....	409/82	June	26/82
revoked.....	299/84	May	26/84
Geographic Township of West.....	182/81	Apr.	11/81
amended.....	308/81	May	30/81
amended.....	395/85	Aug.	17/85
Sault Ste. Marie North Planning Area...	279/80		
amended.....	161/81	Apr.	4/81
amended.....	281/81	May	23/81
amended.....	380/81	June	20/81
amended.....	497/81	Aug.	15/81
amended.....	716/81	Nov.	7/81
amended.....	863/81	Jan.	16/82
amended.....	2/82	Jan.	23/82
amended.....	63/82	Feb.	20/82
amended.....	159/82	Apr.	3/82
amended.....	266/82	May	8/82
amended.....	333/82	June	5/82
amended.....	514/82	Aug.	14/82
amended.....	583/82	Sept.	11/82
amended.....	118/83	Mar.	19/83
amended.....	139/83	Mar.	26/83
amended.....	204/83	Apr.	23/83
amended.....	529/83	Sept.	3/83
amended.....	548/83	Sept.	10/83
amended.....	593/83	Oct.	15/83
amended.....	50/84	Feb.	18/84
amended.....	51/84	Feb.	18/84
amended.....	92/84	Mar.	3/84

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amended.....		268/84	May 12/84
amended.....		269/84	May 12/84
amended.....		537/84	Sept. 8/84
amended.....		762/84	Dec. 15/84
amended.....		416/85	Aug. 31/85
amended.....		659/85	Jan. 4/86
amended.....		303/86	June 7/86
amended.....		445/86	Aug. 16/86
amended.....		478/86	Aug. 30/86
amended.....		666/86	Nov. 29/86
District of Cochrane, Town of Kapuskasing.....	*669 of R.R.O. 1970		
revoked.....	469/84	Aug.	11/84
Town of Kapuskasing.....	172/75		
revoked.....	477/84	Aug.	18/84
Township of Glackmeyer.....	*271/74		
Geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way.....	*493/78		
amended.....	63/81	Feb.	28/81
amended.....	486/82	July	31/82
amended.....	230/83	May	7/83
amended.....	326/83	June	18/83
amended.....	281/84	May	19/84
amended.....	337/84	June	16/84
amended.....	631/84	Oct.	20/84
amended.....	741/84	Dec.	8/84
amended.....	78/85	Mar.	2/85
amended.....	91/85	Mar.	9/85
amended.....	162/85	Apr.	20/85
amended.....	245/85	June	8/85
amended.....	479/85	Oct.	12/85
amended.....	667/85	Jan.	4/86
amended.....	700/85	Jan.	18/86
amended.....	181/86	Apr.	19/86
Geographic townships of O'Brien, Owen and Teetzel.....	423/78		
amended.....	276/86	May	31/86
Sunday Lake Area and Lower Detour Lake Area.....	280/81	May	23/81
District of Kenora, Geographic Township of Baird..... (revoked by 85/84)	12/78		
Geographic Township of Baird.....	162/82	Apr.	3/82
Geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican.....	482/71		
Geographic Township of Forgie.....	798/81	Dec.	12/81
Geographic Township of Pellatt.....	783/82	Dec.	18/82
Geographic Township of Pettypiece.....	177/80		



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Geographic Township of Van Horne.....	343/82	June	12/82
revoked.....	110/84	Mar.	10/84
Geographic Township of Wainwright.....	797/79		
Geographic Township of Wainwright.....	326/81	May	30/81
Territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold).....	327/81	May	30/81
Territorial District of Kenora.....	718/82	Nov.	13/82
amended.....	470/84	Aug.	11/84
District of Manitoulin, Geographic townships of Campbell, Dawson, Mills and Robinson (*153/74)			
amended.....	144/81	Mar.	28/81
amended.....	158/81	Apr.	4/81
amended.....	435/81	July	11/81
amended.....	530/81	Aug.	29/81
(revoked by 672/81)			
District of Manitoulin, Geographic townships of Campbell, Dawson, Mills and Robinson.....	672/81	Oct.	24/81
amended.....	206/82	Apr.	24/82
amended.....	267/82	May	8/82
amended.....	369/82	June	12/82
amended.....	444/82	July	17/82
amended.....	610/82	Sept.	25/82
amended.....	205/83	Apr.	23/83
amended.....	206/83	Apr.	23/83
amended.....	652/83	Oct.	29/83
amended.....	692/83	Nov.	12/83
amended.....	717/83	Dec.	3/83
amended.....	14/84	Jan.	28/84
amended.....	562/84	Sept.	15/84
amended.....	99/85	Mar.	16/85
amended.....	183/85	May	4/85
amended.....	423/85	Sept.	7/85
amended.....	591/85	Dec.	7/85
amended.....	109/86	Mar.	22/86
amended.....	307/86	June	14/86
amended.....	536/86	Sept.	20/86
amended.....	537/86	Sept.	20/86
amended.....	615/86	Nov.	1/86
amended.....	616/86	Nov.	1/86
amended.....	701/86	Dec.	20/86
District of Nipissing, Geographic townships of Askin, Gladman, Joan and Macpherson.....	486/71		
Geographic Township of Phyllis.....	811/81	Dec.	19/81
Geographic Township of Strathy.....	*666 of R.R.O.	1970	
revoked.....	813/84	Jan.	5/85

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part of the District.....		*540/74	
(see Schedule to the Regulation)			
amended.....	35/81	Feb.	14/81
amended.....	75/81	Mar.	7/81
amended.....	397/81	June	27/81
amended.....	457/81	July	25/81
amended.....	562/81	Sept.	12/81
amended.....	563/81	Sept.	12/81
amended.....	564/81	Sept.	12/81
amended.....	673/81	Oct.	24/81
amended.....	740/81	Nov.	21/81
amended.....	745/81	Nov.	28/81
amended.....	758/81	Nov.	28/81
amended.....	830/81	Dec.	26/81
amended.....	831/81	Dec.	26/81
amended.....	57/82	Feb.	20/82
amended.....	149/82	Apr.	3/82
amended.....	209/82	Apr.	24/82
amended.....	210/82	Apr.	24/82
amended.....	334/82	June	5/82
amended.....	361/82	June	12/82
amended.....	383/82	June	19/82
amended.....	463/82	July	24/82
amended.....	464/82	July	24/82
amended.....	485/82	July	31/82
amended.....	500/82	Aug.	7/82
amended.....	581/82	Sept.	11/82
amended.....	582/82	Sept.	11/82
amended.....	678/82	Oct.	23/82
amended.....	702/82	Nov.	6/82
amended.....	708/82	Nov.	13/82
amended.....	777/82	Dec.	11/82
amended.....	846/82	Jan.	8/83
amended.....	337/83	June	25/83
amended.....	680/83	Nov.	12/83
amended.....	712/83	Nov.	26/83
amended.....	775/83	Dec.	31/83
amended.....	776/83	Dec.	31/83
amended.....	777/83	Dec.	31/83
amended.....	1/84	Jan.	21/84
amended.....	224/84	Apr.	28/84
amended.....	331/84	June	9/84
amended.....	400/84	July	7/84
amended.....	436/84	July	21/84
amended.....	437/84	July	21/84
amended.....	553/84	Sept.	8/84
amended.....	594/84	Oct.	6/84
amended.....	595/84	Oct.	6/84
amended.....	596/84	Oct.	6/84
amended.....	597/84	Oct.	6/84
amended.....	742/84	Dec.	8/84
amended.....	744/84	Dec.	8/84
amended.....	757/84	Dec.	15/84
amended.....	774/84	Dec.	22/84
amended.....	798/84	Jan.	5/85
(revoked by 40/85)			
Township of Temagami.....		*667 of R.R.O. 1970	
amended.....	561/81	Sept.	12/81
amended.....	454/82	July	17/82
amended.....	535/82	Aug.	21/82

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amended.....		17/83	Jan. 22/83
revoked.....		583/84	Sept. 29/84
District of Parry Sound, Geographic Township of Croft.....		153/80	
Geographic Township of Croft.....		1110/80	
Geographic Township of East Mills.....		1133/80	
Geographic Township of Ferguson.....		1109/80	
amended.....		396/81	June 27/81
Geographic Township of Ferguson (Plan M-478).....		537/82	Aug. 21/82
Geographic Township of Ferguson (Plan M-512).....		538/82	Aug. 21/82
amended.....		250/84	May 12/84
Geographic Townships of McKenzie and Patterson.....		*484/71	
amended.....		74/82	Feb. 27/82
amended.....		405/82	June 26/82
District of Rainy River, Geographic Township of Miscampbell.....		449/74	
amended.....		575/81	Sept. 12/81
amended.....		603/81	Sept. 19/81
amended.....		712/81	Nov. 7/81
Registered Plan No. SM-293 (south of the Geographic Township of Trottier)...		483/71	
Township of Alberton.....		*268/74	
District of Sudbury, Geographic Townships of Emo and Strathearn.....		485/71	
Geographic Township of Ivanhoe.....		831/82	Jan. 8/83
Part of the District (*568/72)			
amended.....		1/81	Jan. 24/81
amended.....		14/81	Feb. 7/81
amended.....		384/81	June 27/81
amended.....		385/81	June 27/81
amended.....		477/81	Aug. 1/81
amended.....		487/81	Aug. 8/81
amended.....		509/81	Aug. 15/81
amended.....		532/81	Aug. 29/81
amended.....		543/81	Sept. 5/81
amended.....		572/81	Sept. 12/81
repealed by R.R.O. 1980			
District of Sudbury, Geographic Township of Sudbury.....		834/81	Jan. 2/82
amended.....		67/82	Feb. 20/82
amended.....		79/82	Mar. 6/82
amended.....		110/82	Mar. 13/82
amended.....		116/82	Mar. 20/82
amended.....		117/82	Mar. 20/82

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amended.....	118/82	Mar.	20/82
amended.....	242/82	May	1/82
amended.....	243/82	May	1/82
amended.....	257/82	May	1/82
amended.....	450/82	July	17/82
amended.....	476/82	July	24/82
amended.....	501/82	Aug.	7/82
amended.....	563/82	Sept.	4/82
amended.....	584/82	Sept.	11/82
amended.....	611/82	Sept.	25/82
amended.....	700/82	Nov.	6/82
amended.....	701/82	Nov.	6/82
amended.....	53/83	Feb.	5/83
amended.....	183/83	Apr.	16/83
amended.....	208/83	Apr.	23/83
amended.....	261/83	May	21/83
amended.....	292/83	May	28/83
amended.....	293/83	May	28/83
amended.....	349/83	June	25/83
amended.....	473/83	Aug.	13/83
amended.....	488/83	Aug.	20/83
amended.....	547/83	Sept.	10/83
amended.....	564/83	Sept.	24/83
amended.....	577/83	Oct.	1/83
amended.....	585/83	Oct.	1/83
amended.....	586/83	Oct.	1/83
amended.....	714/83	Nov.	26/83
amended.....	94/84	Mar.	3/84
amended.....	99/84	Mar.	3/84
amended.....	766/84	Dec.	15/84
amended.....	767/84	Dec.	15/84
amended.....	768/84	Dec.	15/84
amended.....	41/85	Feb.	9/85
amended.....	75/85	Feb.	23/85
amended.....	76/85	Feb.	23/85
amended.....	77/85	Feb.	23/85
amended.....	123/85	Apr.	6/85
amended.....	187/85	May	11/85
amended.....	424/85	Sept.	7/85
amended.....	462/85	Sept.	28/85
amended.....	549/85	Nov.	16/85
amended.....	703/85	Jan.	18/86
amended.....	69/86	Mar.	1/86
amended.....	105/86	Mar.	15/86
amended.....	191/86	Apr.	26/86
amended.....	229/86	May	17/86
amended.....	394/86	July	12/86
amended.....	427/86	Aug.	16/86
amended.....	662/86	Nov.	22/86
amended.....	663/86	Nov.	22/86
amended.....	677/86	Dec.	13/86
amended.....	761/86	Jan.	17/87
Township of Baldwin.....	*270/74		
revoked.....	602/86	Oct.	25/86
District of Thunder Bay, Geographic townships of Ashmore, Errington, Fulford and McQuesten.....	364/81	June	20/81
amended.....	441/83	July	23/83
amended.....	696/84	Nov.	17/84

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Geographic townships of Gorham and Ware.....		*109/75	
amended.....	288/82	May	15/82
amended.....	664/82	Oct.	23/82
amended.....	690/82	Oct.	30/82
amended.....	796/82	Dec.	18/82
amended.....	362/83	July	9/83
amended.....	576/83	Oct.	1/83
amended.....	6/84	Jan.	21/84
amended.....	84/84	Feb.	25/84
amended.....	167/84	Mar.	31/84
amended.....	228/84	Apr.	28/84
amended.....	456/84	Aug.	4/84
amended.....	502/84	Aug.	18/84
amended.....	541/84	Sept.	8/84
amended.....	589/84	Sept.	29/84
amended.....	590/84	Sept.	29/84
amended.....	607/84	Oct.	6/84
amended.....	623/84	Oct.	20/84
amended.....	644/84	Oct.	27/84
amended.....	645/84	Oct.	27/84
amended.....	745/84	Dec.	8/84
amended.....	758/84	Dec.	15/84
amended.....	759/84	Dec.	15/84
amended.....	760/84	Dec.	15/84
amended.....	373/85	July	27/85
amended.....	443/85	Sept.	21/85
amended.....	447/85	Sept.	21/85
amended.....	481/85	Oct.	12/85
amended.....	530/85	Nov.	9/85
amended.....	658/85	Jan.	4/86
amended.....	63/86	Feb.	22/86
amended.....	64/86	Feb.	22/86
amended.....	65/86	Feb.	22/86
(revoked by 413/86)			
Geographic Township of Lyon.....		897/79	
Geographic townships of Pearson and Port Hope.....		*219/75	
amended.....	442/83	July	23/83
amended.....	545/83	Sept.	10/83
amended.....	566/84	Sept.	15/84
amended.....	35/86	Feb.	15/86
amended.....	402/86	July	19/86
amended.....	603/86	Oct.	25/86
amended.....	714/86	Dec.	27/86
Geographic Township of Upsala.....		296/80	
Geographic Township of Upsala.....		64/81	Feb. 28/81
amended.....	533/81	Aug.	29/81
Savant Lake Townsite (Registered Part M-56).....		131/80	
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud.....		*671 of R.R.O. 1970	

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amended.....		143/81	Mar. 28/81
amended.....		243/81	May 9/81
amended.....		355/81	June 13/81
amended.....		458/81	July 25/81
amended.....		490/81	Aug. 8/81
amended.....		527/81	Aug. 22/81
amended.....		539/81	Aug. 29/81
amended.....		172/82	Apr. 10/82
amended.....		208/82	Apr. 24/82
amended.....		403/82	June 26/82
amended.....		643/82	Oct. 16/82
amended.....		645/82	Oct. 16/82
amended.....		749/82	Nov. 27/82
amended.....		83/83	Feb. 19/83
amended.....		486/83	Aug. 20/83
amended.....		487/83	Aug. 20/83
amended.....		672/83	Nov. 5/83
amended.....		329/84	June 9/84
amended.....		438/84	July 21/84
amended.....		454/84	Aug. 4/84
amended.....		455/84	Aug. 4/84
amended.....		565/84	Sept. 15/84
amended.....		124/85	Apr. 6/85
revoked.....		370/85	July 20/85
Town of Charlton.....		*356/80	
Geographic Township of Haultain.....		467/80	
Municipality of Metropolitan Toronto, the Borough of Scarborough (now the City of Scarborough).....		* 20/74	
amended.....		431/85	Sept. 14/85
Regional Municipality of Durham, Town of Ajax.....		* 18/74	
revoked.....		523/85	Nov. 2/85
Town of Pickering.....		* 19/74	
amended.....		779/81	Dec. 9/81
amended.....		394/82	June 26/82
amended.....		160/83	Apr. 9/83
amended.....		195/83	Apr. 16/83
Township of Uxbridge (formerly the Township of Scott in the County of Ontario).....		*634/77	
Town of Whitby.....		*467/74	
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton).....		*347/74	
Regional Municipality of Niagara, Township of West Lincoln (revoking Reg.).....		165/81	Apr. 4/81
Regional Municipality of Ottawa-Carleton, Township of Cumberland.....		*323/74	
amended.....		152/81	Apr. 4/81
amended.....		606/84	Oct. 4/84

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Township of West Carleton (formerly in the Township of Fitzroy).....	670 of R.R.O. 1970		
Township of West Carleton (formerly in the Township of Fitzroy).....	*325/74		
revoked.....	720/84	Nov.	24/84
Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....	535/79		
revoked.....	13/85	Feb.	2/85
Regional Municipality of York, Town of Markham.....	*104/72		
amended.....	125/81	Mar.	21/81
amended.....	207/81	Apr.	18/81
amended.....	349/81	June	13/81
amended.....	436/81	July	11/81
amended.....	444/81	July	18/81
amended.....	540/81	Sept.	5/81
amended.....	670/81	Oct.	24/81
amended.....	789/81	Dec.	12/81
amended.....	8/82	Jan.	30/82
amended.....	138/82	Mar.	27/82
amended.....	388/82	June	19/82
amended.....	663/82	Oct.	23/82
amended.....	770/82	Dec.	11/82
amended.....	850/82	Jan.	15/83
amended.....	737/83	Dec.	10/83
amended.....	747/83	Dec.	17/83
amended.....	57/84	Feb.	18/84
amended.....	540/84	Sept.	8/84
amended.....	563/85	Nov.	23/85
amended.....	416/86	Aug.	2/86
amended.....	451/86	Aug.	16/86
amended.....	575/86	Oct.	11/86
Town of Markham.....	269/81	May	16/81
revoked.....	317/82	May	29/82
Town of Richmond Hill.....	268/81	May	16/81
Town of Whitchurch-Stouffville.....	*101/72		
amended.....	369/81	June	20/81
amended.....	182/86	Apr.	19/86
amended.....	294/86	June	7/86
Rules of Procedure			
- Consent Applications.....	786		
amended.....	467/81	July	25/81
amended.....	28/82	Feb.	13/82
amended.....	439/82	July	10/82
(revoked by 406/83)			
- Minor Variance Applications.....	787		
amended.....	466/81	July	25/81
amended.....	554/82	Aug.	28/82
(revoked by 447/83)			
Subdivision Control, County of Hastings - Plan No. 38.....	673 of R.R.O. 1970		



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District of Algoma - Plan R-812.....		357/80	
District of Cochrane - Plan M-13.....		402/72	
District of Kenora - Plans M-133 and M-174.....		308/79	
amended.....		494/82	Aug. 7/82
District of Manitoulin - Plans 46 and 49.....		711/81	Nov. 7/81
District of Nipissing - Plans M-66, M-251 and M-269.....	668 of R.R.O. 1970		
District of Thunder Bay - Plans 431 and 419.....		362/75	
District of Thunder Bay - Plan M-56.....		343/79	
District of Thunder Bay - Plan M-103.....		221/80	
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act.....		785/82	Dec. 18/82
(revoked by 789/82)			
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act.....		789/82	Dec. 18/82

**PLANNING ACT, 1983**

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Condominium Plans.....	475/83	Aug.	13/83
amended.....	250/86	May	24/86
amended.....	282/86	May	31/86
amended.....	737/86	Jan.	3/87
Condominium Plans.....	367/85	July	13/85
amended.....	256/86	May	24/86
amended.....	280/86	May	31/86
Condominium Plans.....	72/86	Mar.	1/86
amended.....	251/86	May	24/86
amended.....	281/86	May	31/86
Consents.....	474/83	Aug.	13/83
amended.....	104/84	Mar.	3/84
amended.....	693/84	Nov.	17/84
amended.....	38/86	Feb.	15/86
amended.....	758/86	Jan.	10/87
General.....	548/85	Nov.	16/85

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Removal of Holding Symbol from Zoning By-law.....	403/83	July	16/83
Zoning By-Laws..... amended.....	404/83 535/84	July Sept.	16/83 1/84
Planning Board Fees.....	481/83	Aug.	13/83
Rules of Procedure - Consent Applications..... amended.....	406/83 715/86	July Dec.	16/83 27/86
- Minor Variance Applications.....	447/83	July	30/83
Subdivision Control - District of Nipissing - Plan M-414.....	261/85	June	8/85
Plan M-418.....	266/85	June	15/85
District of Rainy River.....	447/86	Aug.	16/86
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District of Kenora, Geographic Township of Drayton.....	421/85	Sept.	7/85
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Geographic Township of Southworth.....	628/86	Nov.	15/86
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amended.....	471/84	Aug. 11/84	
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Territorial District of Kenora.....	753/84	Dec. 15/84	
Territorial District of Kenora.....	450/85	Sept. 21/85	
Territorial District of Kenora.....	377/86	July 12/86	
Territorial District of Kenora.....	549/86	Sept. 27/86	
Unorganized Parts of the Red Lake and Area Planning Area.....	85/84	Feb. 25/84	
Unorganized Territory in the Territorial District of Kenora.....	1/86	Jan. 25/86	
District of Nipissing, Geographic Township of Phelps.....	774/83	Dec. 31/83	
Part of the District of Nipissing.....	580/86	Oct. 18/86	
Part of the Districts of Nipissing and Sudbury.....	40/85	Feb. 9/85	
amended.....	177/85	May 4/85	
amended.....	371/85	July 27/85	
amended.....	709/86	Dec. 20/86	
amended.....	710/86	Dec. 20/86	
amended.....	711/86	Dec. 20/86	
amended.....	712/86	Dec. 20/86	
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District of Thunder Bay, Geographic Township of Bomby.....	257/84	May 12/84	
Geographic Township of Bomby.....	339/84	June 16/84	
Geographic Township of Bomby.....	350/84	June 23/84	
Geographic Township of Brothers.....	86/84	Feb. 25/84	
Geographic Township of Pic.....	688/84	Nov. 17/84	
amended.....	413/85	Aug. 31/85	
amended.....	430/86	Aug. 16/86	
Territorial District of Thunder Bay....	340/84	June 16/84	
Territorial District of Thunder Bay....	697/84	Nov. 17/84	
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Geographic Township of Otto.....		252/84	May 12/84
Geographic Township of Robillard.....		670/86	Dec. 6/86
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amended.....		816/82	Jan. 1/83
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amended.....		702/85	Jan. 18/86
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amended.....		715/84	Nov. 17/84
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(revoked by 183/84)			
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(revoked by 746/84)			

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amended.....		173/83	Apr. 9/83
amended.....		530/83	Sept. 3/83
amended.....		768/83	Dec. 24/83
amended.....		802/84	Jan. 5/85
amended.....		432/85	Sept. 14/85
amended.....		141/86	Apr. 5/86
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<b>PRIVATE VOCATIONAL SCHOOLS ACT</b>			
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amended.....		809/84	Jan. 5/85

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amended.....		96/85	Mar.	9/85
amended.....		157/85	Apr.	20/85
amended.....		57/86	Feb.	22/86
amended.....		420/86	Aug.	2/86
amended.....		421/86	Aug.	2/86
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amended.....		284/82	May	15/82
amended.....		450/83	July	30/83
amended.....		453/83	July	30/83
amended.....		406/84	July	14/84
amended.....		685/84	Nov.	10/84
(revoked by 797/84)				
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amended.....		412/86	Aug.	2/86
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amended.....		508/83	Aug.	27/83
amended.....		549/83	Sept.	10/83
amended.....		79/85	Mar.	2/85
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amended.....		382/82	June 19/82
amended.....		686/82	Oct. 30/82
amended.....		713/82	Nov. 13/82
amended.....		766/82	Dec. 11/82
amended.....		33/83	Feb. 5/83
amended.....		65/85	Feb. 23/85
amended.....		161/85	Apr. 20/85
amended.....		271/85	June 15/85
amended.....		331/85	July 6/85
amended.....		356/85	July 13/85
amended.....		512/85	Oct. 26/85
amended.....		513/85	Oct. 26/85
amended.....		514/85	Oct. 26/85
amended.....		201/86	Apr. 26/86
amended.....		457/86	Aug. 16/86
amended.....		460/86	Aug. 16/86
amended.....		572/86	Oct. 11/86
amended.....		674/86	Dec. 6/86
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amended.....		429/82	July 3/82
amended.....		768/82	Dec. 11/82
amended.....		154/83	Apr. 30/83
amended.....		220/83	Apr. 30/83
amended.....		343/83	June 25/83
amended.....		378/83	July 9/83
amended.....		68/84	Feb. 18/84
amended.....		69/84	Feb. 18/84
amended.....		129/84	Mar. 17/84
amended.....		152/84	Mar. 24/84
amended.....		187/84	Apr. 14/84
amended.....		409/84	July 14/84
amended.....		410/84	July 14/84
amended.....		625/84	Oct. 20/84
amended.....		680/84	Nov. 10/84
amended.....		45/85	Feb. 16/85
amended.....		81/85	Mar. 9/85
amended.....		279/85	June 15/85
amended.....		493/85	Oct. 19/85
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amended.....		566/86	Oct. 11/86
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amended.....		191/82	Apr. 10/82
amended.....		569/82	Sept. 4/82
amended.....		612/82	Sept. 25/82
amended.....		211/83	Apr. 23/83
amended.....		344/83	June 25/83
amended.....		644/83	Oct. 29/83
amended.....		128/84	Mar. 17/84
amended.....		188/84	Apr. 14/84
amended.....		546/84	Sept. 3/84
amended.....		702/84	Nov. 17/84
amended.....		783/84	Dec. 29/84
amended.....		47/85	Feb. 16/85
amended.....		147/85	Apr. 20/85
amended.....		282/85	June 15/85
amended.....		492/85	Oct. 19/85
amended.....		534/85	Nov. 9/85
amended.....		9/86	Feb. 1/86
amended.....		51/86	Feb. 15/86
amended.....		338/86	June 28/86
amended.....		400/86	July 19/86
amended.....		424/86	Aug. 16/86
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amended.....		82/85	Mar. 9/85
amended.....		281/85	June 15/85
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amended.....		661/84	Nov. 3/84
amended.....		225/85	June 1/85
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Extending Validity of Public Commercial Vehicle Licences .....		123/84	Mar. 10/84
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amended.....		205/81	Apr. 18/81
amended.....		663/81	Oct. 24/81
amended.....		778/81	Dec. 5/81
amended.....		88/86	Mar. 8/86
amended.....		171/86	Apr. 12/86
Intercompany Exemption.....		76/82	Mar. 6/82
amended.....		167/86	Apr. 12/86
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amended.....		437/86	Aug. 16/86

**PUBLIC HEALTH ACT**

(See now Laboratory and Specimen  
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amended.....		394/81	June 27/81
amended.....		747/81	Nov. 28/81
amended.....		560/82	Aug. 28/82
amended.....		712/82	Nov. 13/82
amended.....		587/83	Oct. 1/83
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amended.....		705/83	Nov. 19/83
amended.....		639/84	Oct. 27/84
amended.....		674/84	Nov. 10/84
amended.....		695/84	Nov. 17/84
amended.....		353/85	July 6/85
amended.....		354/85	July 6/85
amended.....		569/85	Nov. 23/85
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(revoked by 290/82)			
Grants for Public Libraries.....		290/82	May 15/82
amended.....		354/82	June 12/82
amended.....		470/83	Aug. 6/83
amended.....		617/84	Oct. 20/84
(revoked by 100/85)			

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amended.....		162/81	Apr. 4/81
amended.....		26/82	Feb. 13/82
amended.....		328/82	June 5/82
amended.....		96/83	Mar. 5/83
amended.....		260/83	May 21/83
amended.....		286/83	May 28/83
amended.....		38/84	Feb. 11/84
amended.....		431/84	July 21/84
amended.....		686/84	Nov. 17/84
amended.....		88/85	Mar. 9/85
amended.....		246/85	June 8/85
amended.....		337/85	July 6/85
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amended.....		308/85	June 22/85
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amended.....		340/86	June 28/86
Salary.....		248/85	June 8/85
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amended.....		48/82	Feb. 20/82

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amended.....		375/83	July 9/83
amended.....		620/83	Oct. 15/83
amended.....		244/84	May 5/84
amended.....		683/84	Nov. 10/84
amended.....		95/85	Mar. 9/85
amended.....		101/85	Mar. 16/85
amended.....		600/85	Dec. 14/85
amended.....		369/86	July 12/86

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General.....	888		
amended.....		65/81	Feb. 28/81
amended.....		399/81	July 4/81
amended.....		662/81	Oct. 24/81
amended.....		398/82	June 26/82
amended.....		379/84	June 30/84
amended.....		397/86	July 12/86

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amended.....		548/81	Sept. 5/81
amended.....		40/82	Feb. 13/82
amended.....		507/83	Aug. 27/83

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General.....	890		
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amended.....		818/84	Jan. 19/85
amended.....		510/85	Oct. 26/85
amended.....		76/86	Mar. 8/86
amended.....		202/86	Apr. 26/86

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General.....	891		
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amended.....		23/82	Feb. 6/82
amended.....		618/83	Oct. 15/83
amended.....		87/84	Mar. 3/84
amended.....		198/84	Apr. 14/84
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Order of the Minister-Transitional Mill Rates.....		501/83	Aug. 27/83
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General.....		637/81	Oct. 17/81
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amended.....		447/84	July 28/84
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amended.....		638/81	Oct. 17/81
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amended.....		351/82	June 12/82
amended.....		171/83	Apr. 9/83
amended.....		279/83	May 21/83
amended.....		559/83	Sept. 17/83
amended.....		787/83	Jan. 7/84
amended.....		285/84	May 19/84
amended.....		552/84	Sept. 8/84
amended.....		578/84	Sept. 29/84
amended.....		135/85	Apr. 20/85
amended.....		236/85	June 1/85
amended.....		240/85	June 1/85
amended.....		453/85	Sept. 28/85
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amended.....		226/86	May 10/86
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amended.....		153/85	Apr. 20/85
amended.....		152/85	Apr. 20/85
amended.....		538/85	Nov. 9/85
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amended.....		638/85	Dec. 21/85
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General.....	899		
amended.....		592/83	Oct. 15/83
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General.....		434/86	Aug. 16/86
amended.....		570/86	Oct. 11/86
amended.....		594/86	Oct. 18/86
amended.....		605/86	Oct. 25/86
amended.....		672/86	Dec. 6/86
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General.....		749/86	Jan. 3/87
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revoked.....		691/84	Nov. 17/84
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amended.....		111/81	Mar. 14/81
amended.....		141/81	Mar. 28/81
amended.....		606/81	Sept. 26/81
amended.....		837/81	Jan. 2/82
amended.....		868/81	Jan. 19/82
amended.....		55/82	Feb. 20/82
amended.....		273/82	May 8/82
amended.....		303/82	May 22/82
amended.....		590/82	Sept. 18/82
amended.....		737/82	Nov. 20/82
amended.....		821/82	Jan. 1/83
amended.....		126/83	Mar. 26/83

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amended.....	238/83	May	14/83
amended.....	568/83	Sept.	24/83
amended.....	7/84	Jan.	21/84
amended.....	165/84	Mar.	31/84
amended.....	222/84	Apr.	28/84
amended.....	604/84	Oct.	6/84
amended.....	723/84	Nov.	24/84
amended.....	186/85	May	11/85
amended.....	543/86	Sept.	20/86
Extension of Delivery Date for Furniture.... (expired)	382/81	June	20/81
General.....	904		
amended.....	91/81	Mar.	14/81
amended.....	92/81	Mar.	14/81
amended.....	140/81	Mar.	28/81
amended.....	178/81	Apr.	11/81
amended.....	381/81	June	20/81
amended.....	476/81	Aug.	1/81
amended.....	586/81	Sept.	12/81
amended.....	619/81	Oct.	10/81
amended.....	718/81	Nov.	14/81
amended.....	813/81	Dec.	19/81
amended.....	41/82	Feb.	13/82
amended.....	167/82	Apr.	3/82
amended.....	168/82	Apr.	3/82
amended.....	232/82	May	1/82
amended.....	244/82	May	1/82
amended.....	249/82	May	1/82
amended.....	342/82	June	12/82
amended.....	634/82	Oct.	9/82
amended.....	731/82	Nov.	20/82
amended.....	334/83	June	18/83
amended.....	503/83	Aug.	27/83
amended.....	619/83	Oct.	15/83
amended.....	8/84	Jan.	21/84
amended.....	265/84	May	12/84
amended.....	591/84	Sept.	29/84
amended.....	714/84	Nov.	17/84
amended.....	311/85	June	22/85
amended.....	232/86	May	17/86
amended.....	449/86	Aug.	16/86
amended.....	655/86	Nov.	22/86
Rebate for Eligible 1981 Motor Vehicles...	755/81	Nov.	28/81
Tax Rebate for New Light Trucks or Vans... (this Reg. amends O.Reg. 1010/80 see Schedule to R.R.O. 1980)	177/81	Apr.	11/81

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## ST. CLAIR PARKWAY COMMISSION ACT

General..... 906

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amended.....		149/81	Apr. 4/81
amended.....		383/83	July 9/83
amended.....		259/84	May 12/84
amended.....		215/85	June 1/85
amended.....		151/86	Apr. 12/86
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amended.....		3/82	Jan. 23/82
amended.....		130/82	Mar. 20/82
amended.....		225/83	Apr. 30/83
amended.....		260/84	May 12/84
amended.....		212/85	June 1/85
amended.....		198/86	Apr. 26/86
amended.....		426/86	Aug. 16/86
<b>SECURITIES ACT</b>			
General.....	910		
amended.....		84/81	Mar. 14/81
amended.....		224/81	Apr. 25/81
amended.....		238/81	May 2/81
amended.....		637/82	Oct. 9/82
amended.....		649/82	Oct. 16/82
amended.....		808/82	Dec. 25/82
amended.....		180/83	Apr. 16/83
amended.....		205/84	Apr. 14/84
amended.....		286/84	May 19/84
amended.....		420/85	Sept. 7/85
amended.....		686/85	Jan. 4/86
amended.....		687/85	Jan. 4/86
amended.....		214/86	May 3/86
amended.....		383/86	July 12/86
<b>SEED POTATOES ACT</b>			
General.....	911		
<b>SHEEP AND WOOL MARKETING ACT, 1981</b>			
Licence Fees.....		146/82	Mar. 27/82
amended.....		68/83	Feb. 12/83
amended.....		515/83	Aug. 27/83
revoked.....		559/85	Nov. 16/85
<b>SHORELINE PROPERTY ASSISTANCE ACT</b>			
General.....	912		
amended.....		276/81	May 23/81
amended.....		213/82	Apr. 24/82
amended.....		445/85	Sept. 21/85
amended.....		590/86	Oct. 18/86

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amended.....		297/86	June 7/86
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amended.....		392/83	July 9/83
amended.....		157/84	Mar. 24/84
amended.....		528/86	Sept. 20/86
General.....	915		
amended.....		587/81	Sept. 12/81
amended.....		42/82	Feb. 13/82
amended.....		300/83	June 4/83
amended.....		506/83	Aug. 27/83
amended.....		25/84	Feb. 4/84
amended.....		632/84	Oct. 20/84
amended.....		410/86	Aug. 2/86
amended.....		620/86	Nov. 8/86
Terms and Conditions Relating to Beneficial Ownership of Equity Shares.....		299/83	June 4/83
<b>SMALL CLAIMS COURTS ACT</b>			
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amended.....		127/84	Mar. 17/84
amended.....		150/84	Mar. 24/84
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amended.....		452/83	July 30/83
amended.....		392/84	July 7/84
(revoked by 797/84)			
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amended.....		425/81	July 11/81
amended.....		178/82	Apr. 10/82
amended.....		575/82	Sept. 11/82
revoked.....		370/83	July 9/83
Tariff of Fees.....	919		
amended.....		731/81	Nov. 21/81
amended.....		286/82	May 15/82
amended.....		451/83	July 30/83
amended.....		407/84	July 14/84
amended.....		684/84	Nov. 10/84
(revoked by 797/84)			
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General.....		43/82	Feb. 13/82
amended.....		250/82	May 1/82
amended.....		505/83	Aug. 27/83
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amended.....		396/84	July 7/84
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amended.....		690/81	Nov. 7/81
amended.....		101/83	Mar. 5/83
amended.....		533/83	Sept. 3/83
amended.....		788/83	Jan. 7/84
(revoked by 423/84)			



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<b>TEACHERS' SUPERANNUATION ACT, 1983</b>			
General.....		423/84	July 14/84
amended.....		568/84	Sept. 15/84
amended.....		776/84	Dec. 22/84
amended.....		430/85	Sept. 14/85
amended.....		540/85	Nov. 9/85
amended.....		695/85	Jan. 11/86
amended.....		197/86	Apr. 26/86
amended.....		279/86	May 31/86
amended.....		322/86	June 21/86
amended.....		464/86	Aug. 23/86
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Ontario Centre for Automotive Parts Technology.....		810/82	Dec. 25/82
Ontario Centre for Farm Machinery and Food Processing Technology.....		848/82	Jan. 15/83
Ontario Centre for Microelectronics.....		618/82	Oct. 2/82
Ontario Centre for Resource Machinery..... (revoked by 685/83)		774/82	Dec. 11/82
Ontario Centre for Resource Machinery Technology.....		685/83	Nov. 12/83
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General.....	931		
amended.....		138/81	Mar. 28/81
amended.....		438/81	July 11/81
amended.....		600/81	Sept. 19/81
amended.....		29/82	Feb. 18/82
amended.....		538/83	Sept. 10/83
amended.....		56/85	Feb. 16/85
amended.....		61/85	Feb. 23/85
amended.....		679/85	Jan. 4/86
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amended.....		272/82	May 8/82
amended.....		384/83	July 9/83
amended.....		605/84	Oct. 6/84
amended.....		544/86	Sept. 20/86
.....	934		
amended.....		44/82	Feb. 13/82
amended.....		251/82	May 1/82
amended.....		504/83	Aug. 27/83
amended.....		605/83	Oct. 15/83

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amended.....		743/84	Dec. 8/84
amended.....		117/85	Mar. 23/85
amended.....		309/85	June 22/85
amended.....		526/85	Nov. 2/85
amended.....		134/86	Apr. 5/86
amended.....		300/86	June 7/86
amended.....		539/86	Sept. 20/86
amended.....		540/86	Sept. 20/86
amended.....		606/83	Oct. 15/83
Taxable Prices and Tax Payable on Cigarettes and Other Tobacco Products.....			
amended.....		439/81	July 11/81
amended.....		629/81	Oct. 10/81
amended.....		870/81	Jan. 19/82
amended.....		185/82	Apr. 10/82
amended.....		447/82	July 17/82
amended.....		640/82	Oct. 16/82
amended.....		841/82	Jan. 8/83
amended.....		185/83	Apr. 16/83
amended.....		410/83	July 16/83
amended.....		633/83	Oct. 15/83
amended.....		807/83	Jan. 14/84
amended.....		182/84	Apr. 14/84
amended.....		416/84	July 14/84
amended.....		298/86	June 7/86
TORONTO AREA TRANSIT OPERATING AUTHORITY ACT			
amended.....		400/81	July 4/81
amended.....		441/82	July 10/82
amended.....		380/83	July 9/83
amended.....		375/84	June 30/84
amended.....		171/85	Apr. 27/85
amended.....		333/85	July 6/85
amended.....		491/86	Sept. 6/86
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General.....	936		
amended.....		786/81	Dec. 5/81
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amended.....		822/81	Dec. 26/81
amended.....		734/83	Dec. 10/83
amended.....		550/85	Nov. 16/85
TRANSBOUNDARY POLLUTION RECIPROCAL ACCESS ACT, 1986			
Reciprocating Jurisdiction.....		623/86	Nov. 15/86
TRAVEL INDUSTRY ACT			
General.....	938		
amended.....		239/81	May 2/81
amended.....		706/81	Nov. 7/81
amended.....		304/82	May 22/82

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amended.....		815/82	Jan. 1/83
amended.....		589/83	Oct. 1/83
amended.....		612/83	Oct. 15/83
amended.....		149/84	Mar. 17/84
amended.....		275/86	May 24/86

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## UNIFIED FAMILY COURT ACT

(See now Courts of Justice Act, 1984)

## UPHOLSTERED AND STUFFED ARTICLES ACT

General.....	940		
amended.....		294/83	June 4/83
amended.....		621/84	Oct. 20/84
amended.....		352/86	June 28/86

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## VENEREAL DISEASES PREVENTION ACT

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General.....	941		
amended.....		499/83	Aug. 27/83
(revoked by 237/84)			

## VITAL STATISTICS ACT

General.....	942		
amended.....		365/81	June 20/81
amended.....		539/83	Sept. 10/83
amended.....		332/86	June 28/86
amended.....		384/86	July 12/86

## VOCATIONAL REHABILITATION SERVICES ACT

General.....	943		
amended.....		247/81	May 16/81
amended.....		422/81	July 11/81
amended.....		635/81	Oct. 17/81
amended.....		823/81	Dec. 26/81
amended.....		108/82	Mar. 13/82
amended.....		735/83	Dec. 10/83
amended.....		215/84	Apr. 28/84
amended.....		325/84	June 16/84
amended.....		467/84	Aug. 4/84
amended.....		544/84	Sept. 1/84
amended.....		646/84	Oct. 20/84

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amended.....	763/84	Dec.	15/84
amended.....	51/85	Feb.	16/85
amended.....	140/85	Apr.	20/85
amended.....	446/85	Sept.	21/85
amended.....	501/85	Oct.	26/85
amended.....	644/85	Dec.	28/85
amended.....	45/86	Feb.	15/86
amended.....	135/86	Apr.	5/86
amended.....	680/86	Dec.	13/86
W			
<b>WEED CONTROL ACT</b>			
General.....	944		
amended.....	254/86	May	24/86
<b>WILD RICE HARVESTING ACT</b>			
General.....	945		
<b>WILDERNESS AREAS ACT</b>			
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amended.....	412/84	July	14/84
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